

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1583 of 2019

Narayan S/o Jungalkishore Dhruvnshi, aged about 45 years R/o village Bhendarwani, Police Station Bhakhara, Tahsil Kurud, District Dhamtari (C.G.).

---- Applicant

Versus

1. State of Chhattisgarh through Station House Officer, Police Station Bhakhara, District Dhamtari (C.G.).
2. Sukaluram Patel (Since dead)
Through his legal heirs
 - a) Ganesh Ram S/o Late Sukaluram Patel,
 - b) Dani Ram Patel S/o Late Sukaluram Patel,
 - c) Dhaniram Patel S/o Late Sukaluram,All are R/o Village Kaphi, P.S. Amleshwar, District Durg (C.G.).

---- Respondents

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Ajay Kumbrani, PL
For Objectors	:	Mr. Jitendra Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/11/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Complaint Case No. 406/2019 registered at police station Bhakhara, Dhamtari (C.G.) for the offence punishable under Sections 419, 420, 467, 468 & 471 of the IPC.
2. As per prosecution case, a complaint has been filed by the Complainant Sukaluram Patel before the JMFC, Kurud District Dhamtari. It is alleged in the said complaint that his grand son Khelan

Patel by showing himself as Sukaluram Patel, had sold his land to co-accused Bhojraj. The allegation against the Applicant is that he identified Khelan at the time of execution of the sale-deed.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. Prima-faice no offence is made out against the Applicant because he only identified the seller of the land Khelan as Khelan because in the sale-deed Khelan had affixed his photo in place of Sukaluram. He further submits that the Applicant is resident of Village Bhendarbani and Sukalu Ram and Khelan are resident of Baronda, he did not know both of them previously. He only identified Khelan who was produced from Bhojraj, therefore, the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State and Objectors opposed the bail application.
5. I have heard counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, particularly considering that the Applicant is resident of Bhendarbani and Sukaluram and Khelan are resident of Baronda, and the Applicant had only identified co-accused Khelan as Khelan at the time of execution of sale-deed, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released

on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul