

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1712 of 2019**

1. Tarun Hathel, S/o Late Shri Papa Hathel Aged About 23 Years R/o Indira Nagar Ward No. 06 P.S. Dongargarh, District Rajnandgaon, Chhattisgarh.
2. Ram Asre Singh S/o Shri Ramdayal Singh Aged About 45 Years R/o Badhiyatola Ward No. 07, Dongargarh P.S. Dongargarh District Rajnandgaon, Chhattisgarh.
3. Rakesh Vaishnav S/o Narayan Das Vaishnav Aged About 47 Years R/o Kedarbari Ward No. 3, Dongargarh, P.S. Dongargarh, District Rajnandgaon, Chhattisgarh.

**---- Applicants****Versus**

- State Of Chhattisgarh Through S.H.O., Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri B.P. Singh, Advocate. |
| For Respondent/State | : Shri Alok Nigam, G.A.      |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****04/12/2019**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 528/2019 registered at Police Station Dongargarh, District – Rajnandgaon, (C.G.). for the offence punishable under Sections 365, 420, 467, 468, 471, 120-B and 34 of I.P.C.
2. As per the prosecution story, on 23.09.2019 one Kannulal made a written complaint alleging therein that he is having 3.52 acre of land in village Bhainshra. Complainant has taken some loan from applicant

No. 1 and for that complainant has kept *Rin Pustika* of said land with him (applicant No. 1). Allegedly, in the year 2011, a forged power of attorney of the said land was executed by applicant No. 1 in favour of co-accused Pravin Kumar Koche. The said land allegedly, belongs to the complainant and by misleading the complainant, applicant No. 1 obtained his signatures and thereafter, executed the forged power of attorney in favour of Pravin Koche. On the basis of said forged power of attorney, on 17.05.2019 co-accused Pravin Koche sold the land in dispute for consideration amount of Rs. 2,00,000/- to applicant No. 1 himself. It is alleged that applicants No. 2 & 3 are witnesses of the sale deed. It is further alleged that the complainant has not yet received the consideration amount of Rs. 2,00,000/- and the land in dispute is still in possession of the complainant. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that Power of Attorney was executed in the year 2011 in which signature and photo of the complainant is affixed. The said Power of Attorney is registered and on the basis of the said, Pravin Koche, who is the Power of Attorney holder, sold the land to applicant No. 1. Applicant No. 1 was not even aware of the fact that Power of Attorney was forged. It is further submitted that applicant No. 1 has given a cheque of Rs. 2,00,000/- which was in the name of complainant to Pravin Koche. Pravin Koche gave assurance of giving the said cheque to complainant. He further states that applicant No. 1 is a bonafide purchaser of the land and Pravin Koche is the main

accused person. Present case seems to be of civil nature. Land in question is still in possession of the complainant. Applicant No.1 is still ready to give consideration amount of Rs. 2,00,000/- to the complainant and if complainant refused to take the said amount, in such condition, applicant No. 2 will not claim his possession over the said land. Applicant No. 2 & 3 are only the witnesses of sale deed. Thus, *prima facie*, no offence is made out against applicants. Looking to the above, it is prayed that applicants may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that alleged Power of Attorney was executed in the year 2011 and the same has been used by Pravin Koche in the year 2019, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the

Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**