

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1757 of 2019**

- Vimal Kumar S/o Chowaram Aged About 30 Years R/o Ward No. 8, Village And Post - Pauwara, Police Station - Utai, District - Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Anda, District – Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Gautam Khetrapal, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 73/2018 registered at Police Station Anda, District – Durg, (C.G.) for the offence punishable under Sections 306, 120-B, 420, 467, 468, 471, 34 of I.P.C.
2. In the present case, there are total 12 accused person. Deceased Sanju Banjare committed suicide on 30.07.2018. As per the prosecution story, deceased owned some land at village Pauwara. Allegedly, co-accused persons namely Nirbhay Jain, Harvinder, Anjor Singh, Ram Singh Rai, G. Shrinu alongwith present applicant made a criminal conspiracy and on 14.11.2017, firstly land of the deceased

has been purchased by G. Shrinu in Rs. 17,00,000/- and the amount of consideration was kept by co-accused Nirbhay Jain. It is further alleged that, thereafter all the accused persons forced the deceased Sanju to prepare a forged document of his land and that land was again sold to Rajesh and Anita Tiwari. Allegedly, co-accused Nirbhay Jain is involved in the business of moneylender and he, for getting his money back from the deceased, fraudulently sell he above land through deceased to the Rajesh and Anita Tiwari with the help of other co-accused persons. Due to this deceased committed suicide. Allegation against present applicant is that, being a Patwari he issued a duplicate *Rin Pustika* and subsequently, sale deed was executed. On the basis of the above, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that in the F.I.R. name of the applicant is not mentioned. Applicant is implicated in the case only on the basis of statement of co-accused Chitrasen recorded under Section 164 of Cr.P.C. which is not a legal evidence. It is further submitted that applicant has issued duplicate *Rin Pustika* as per the order given by the Tahsildar. Thus, *prima facie*, no offence can be made out against present applicant. Looking to the above, it is prayed that applicant 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 applicant has issued *Rin Pustika* as per the order given by Tahsildar, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :

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

Sd/-
(Arvind Singh Chandel)
Judge