

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1854 of 2019

- Sylvester Paul S/o Late Augusteen Paul Aged About 68 Years (Wrongly Mentioned In Impugned Order As 65 Years), R/o Quarter No. 9b, Street K C S, Sector No. 8, Bhilai, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shobhit Koshta, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 931/2019, registered at Police Station Durg, Distt. Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471 r/w 34 of the IPC.
2. As per prosecution story, on 10.10.2019, one Chetan Khanna has lodged a report against the applicant and other co-accused persons namely Ashwani Kumar, Bhola Prasad, Aatma Ram and Sandeep Khanna alleging therein that property bearing Khasra No. 12, 13/32, Area- 5220 Sq. Ft. belong to Ashwani Khanna, Anil Khanna (deceased father of Chetan Khanna) and Jawahar Lal. Ashwani Khanna by forgery sold 3000 Sq.Ft. of above mentioned land to one Usha Devi vide registered sale deed dated 27.07.2006 and area

2220 Sq. Ft. to one Prasanjeet Haldar vide sale deed dated 14.06.2006 by personating in place of complainant's father his own son Sandeep Khanna photo and in place of Jawahar Lal, one Aatma Ram photos and falsely executed the sale deed with seeking consent of complainant's father and his uncle Jawahar Lal. Allegation against the applicant is that he was one of the attesting witnesses of the above sale deeds. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Main allegations have been levelled against the other co-accused persons. He was only the attesting witness of the sale deeds. He was not known the sellers personally. The incident is of the year 2006 and the report has been lodged in the year 2019. The Counsel further submits that prima facie no case can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant was only the attesting witness of the sale deeds. He was not known the sellers personally. The incident is of the year 2006 and the report has been lodged in the year 2019. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge