

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1466 of 2019

S. Vijay Shankar S/o Late Hanumant Rao Sayam, aged about 83 years R/o D-139, Sector-1, Devendra Nagar, Raipur, District Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Devendra Nagar, District Raipur (C.G.)

---- Respondent

AND

MCRCA No. 1886 of 2019

Smt. S. Shobha Devi W/o Shri S. Vijay Shankar, aged about 73 years R/o D-139, Sector-1, Devendra Nagar, Raipur, Tehsil & Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Police Station Devendra Nagar, Raipur (C.G.)

---- Respondent

For Applicant in MCRCA 1466/2019:	Mr. Ashish Surana, Advocate
For Applicant in MCRCA 1886/2019:	Mr. Ankur Agrawal
For Respondent :	Ms. Hamida Siddique, Dy. Adv. General and Mr. Anand Verma, Dy. Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28/11/2019

1. Since both the cases arise out of same crime number, therefore, these are being disposed of by this common order.
2. The Applicants have filed these applications for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 146/2019 registered at police station Devendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 465, 467, 468 & 471 of the Indian Penal Code.

3. As per prosecution story, shop number A-9, Shyam Market situated at Pandri, Raipur belongs to Complainant Ramakant. In the year 2001, a rented agreement was executed between the Complainant and Applicant S. Vijay Shankar. The shop was running by Rajeev, son of both the Applicants. It is alleged that the Applicants for taking electricity connection for the said shop, prepared forged documents and obtained electricity connection for that shop. It is also alleged that in this regard, one affidavit had been submitted of Applicant Sobha, wherein she has shown herself as owner of the shop and thereby committed the crime in question.
4. Counsel appearing on behalf of the Applicants submit that the Applicants have been falsely implicated in this case. Prima-facie no case is made out against them. They further submit that the agreement executed in the year 2011 was signed by co-accused Rajeev i.e. son of the Applicants and he is running the said shop. The Applicants had never claimed that shop owned by them. Learned counsel appearing on behalf of the Applicant Sobha submits that the affidavit which was submitted does not bear her sign and the said affidavit contains forged sign. She had not submitted any affidavit. It is further submitted that the matter regarding the present shop is already pending between landlord and tenant and due to pressurizing the Applicants, this false complaint has been made. In these circumstances, counsel for the Applicants pray that the Applicants may be granted benefit of anticipatory bail.
5. On the other hand, learned counsel appearing on behalf of the State opposed the bail application.
6. I have heard counsel for the parties and perused the record.

7. Considering the facts and circumstances of the case and particularly considering the fact that agreement 2011 has not been signed by Applicant S. Vijay Shankar, on the basis of which forged electricity connection has been obtained. Further, considering that Applicant S. Sobha is lady aged about 73 years and as contented by her she had not signed the said affidavit and the affidavit does not bear her sign, without further considering other merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicants.
8. Accordingly, this bail applications are allowed.
9. It is directed that in the event of arrest, the Applicants shall be released on bail on each of them furnishing a bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
- i. That, the accused/Applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/Applicants 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/Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. The Applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge