

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2122 of 2019

Santosh Kumar S/o Nand Kishore aged about 36 years R/o Danteshwari Para
Ward No. 2 Dongargarh, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

AND

MCRCA No. 319 of 2020

Pravin Koche S/o Late Fatelal Koche, aged about 27 years R/o Danteshwari Para
Ward No. 2, P.S. Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant in both the cases	: Shri B.P. Singh, Advocate.
For Respondent/State	: Shri V.R. Tiwari, Addl. Adv. General

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

28-05-2020

1. The matter is heard through video conferencing.
2. Since both the cases relate to same crime number, therefore, they are being decided by this common order.

3. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending their 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.
4. 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. He had taken some loan from co-accused Tarun Hathel and for that he has kept *Rin Pustika* of said land with him. Allegedly, in the year 2011, a forged power of attorney of the said land was executed by co-accused Tarun in favour of applicant Pravin Kumar Koche. The said land allegedly, belongs to the complainant and by misleading the complainant, co-accused Tarun 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 applicant Pravin Koche sold the land in dispute for consideration amount of Rs. 2,00,000/- to co-accused Tarun. It is alleged that co-accused Ram Asre and Rakesh Vaishnav were the witnesses of the said sale deed. The allegation against the applicant Sanotsh is that he was the witness of the said power of attorney which was executed in favour of applicant Pravin. 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.
5. Learned Counsel appearing for the applicants submits that applicant

Santosh was only the witness of said power of attorney executed by the co-accused Tarun in favour of Pravin. Other witnesses of said power of attorney namely Ram Asre Singh and Rakesh Vaishnav have already been granted benefit of anticipatory bail by this Court vide order dated 04/12/2019 passed in MCRCA No. 1712/2019. He further submits that applicant Pravin has also been falsely implicated in this case. The power of attorney was executed in the year 2011, wherein the signature and photo of the Complainant was affixed. The said Power of Attorney was registered and on the basis of the said, Pravin Koche, who is the Power of Attorney holder, sold the land to co-accused Tarun. After lapse of eight years, a false and fabricated report has been lodged by the Complainant. He further submits that co-accused Tarun has also been granted benefit of anticipatory bail vide order dated 04/12/2019 passed in MCRCA No. 1712/2019. He further submits that the present case is on same footing. The land in question is still in possession of the Complainant, therefore, he prays to grant benefit of anticipatory bail to the applicants.

6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. 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, and other co-accused persons have already been granted benefit of anticipatory

bail by this Court, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

9. Accordingly, the bail application is allowed.
10. 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