

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 807 of 2020**

1. Kuldeep Singh S/o Balwant Singh, aged about 55 years R/o Santarabadi Durg, District Durg (C.G.).
2. Gopal Yadav S/o K.R. Yadav, aged about 40 years R/o Mathpara Durg, District Durg, (C.G.).

---- Applicants**Versus**

State of Chhattisgarh through the Station house Officer, Police Station Kotwali, Durg, District Durg (C.G.).

---- Respondent

For Applicants	:	Mr. Avinash Chand Sahu, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/09/2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 405/2009 registered at police station – City Kotwali, Durg, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 34 of the IPC.
3. In this case there are four accused persons. On 20/03/2006, the land in dispute was sold to co-accused Madan Jain and Surendra Rathi through registered sale-deed. It has been alleged that in place of Goutam Chand Parak, owner of the said land, co-accused Surekh Parak, brother of Goutam, sold the land to the co-accused persons

showing him as Goutam Chand Parak. The allegations against the applicants are that they were the attested witnesses of the sale-deed and identified co-accused Surekh Parak as Goutam Chand Parak. Initially on 05/03/2009, on the basis of report made by Goutam Chand Parak, offence has been registered against the applicants and other co-accused persons. Thereafter, vide order dated 18/08/2009 passed by the Sessions Court, the applicants were extended benefit of anticipatory bail. During course of investigation, on the basis of hand writing expert report, other offence 467, 468, 471/34 were added. Thereafter, again the applicants are apprehending their arrest and preferred the present bail application.

4. Learned counsel appearing on behalf of the applicant submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the offence is of the year 2009. Initially, the applicants were granted anticipatory bail by the Sessions Court and they have not misused the liberty of the said Court. Investigation has already completed by the prosecution and other co-accused persons Surendra Rathi and Madan Jain have already extended the benefit of anticipatory bail by the coordinate bench of this Court vide order dated 04/05/2017 passed in MCRCA No. 30/2017, therefore, he prays to extend the benefit of anticipatory bail to the applicants.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument

advanced by counsel for the parties and further considering the fact that initially the applicants were extended the benefit of anticipatory bail by the Sessions Court and they have not misused the liberty of the said Court and further considering that other co-accused persons have already extended benefit of anticipatory bail, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is 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.10,000/- 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