

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1081 of 2020**

- Smt. Kamladevi Khandelwal W/o Late Hajarilal Khandelwal Aged About 80 Years R/o Lotus 1-A Block, Talpuri, Bhilai, Tahsil And District Durg Chhattisgarh

---- Petitioner**Versus**

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

---- Respondent**MCRCA No. 1307 of 2020**

1. Satish Khandelwal S/o Late Hajarilal Khandelwal, Aged About 55 Years
2. Shyam Khandelwal S/o Late Hajarilal Khandelwal, Aged About 48 Years

Both are R/o Lotus -1- A Block, Talpuri, Bhilai, Tahsil And District - Durg Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Supela, District - Durg Chhattisgarh

---- Respondent

For Applicants
For Respondent/State
For Respondent /
Objector

Mr. Gautam Khetrapal, Advocate
Mr. HS Ahluwalia, Dy. AG
Mr. Vipin Tiwari, Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

15/12/2020

1. Heard.
2. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.426/2020 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 420, 467, 471, 34, 120-B of the IPC.

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3. Applicant Smt. Kamladevi Khandelwal, a widow lady aged about 80 years, having lost her husband Hazari Lal on 16.6.2016, apprehends arrest because one of his son has lodged FIR that she along with three other sons of Hazari Lal have concocted a will purportedly executed by late Hazari Lal on 09.6.2016 bequeathing a shop to Smt. Kamladevi Khandelwal. Since the fourth son Sanjay Khandelwal was operating a medical shop from the disputed shop, he lodged an FIR alleging that the three sons and the mother have forged the will.
4. Mr. Vipin Tiwari, learned counsel appearing for the

complainant, submits that though under duress, he has instructions not to oppose the bail application.

5. Learned counsel for the State would oppose the prayer for grant of bail.
6. Having considered the rival submissions and for the fact that applicant Smt. Kamladevi Khandelwal is a lady aged about 80 years and considering the nature of dispute, I am inclined to extend the benefit of Section 438 of Cr.P.C. to this applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant **Smt. Kamladevi Khandelwal**, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) she shall make herself available for interrogation by a Police Officer as and when required;
 - (ii) she 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 for disclosing such facts to the Court or to any Police Officer.
 - (iii) she shall not influence the witnesses during pendency of the trial.

8. In so far as this bail application is concerned, the same has been filed directly before this Court, therefore, learned counsel for **applicants Satish Kandelwal and Shyam Khandelwal** seeks permission of the Court to withdraw this bail application with liberty to move before the Sessions Court and depending upon the outcome, move afresh before this Court.

9. Permission granted.

10. Accordingly, this bail application is dismissed, as withdrawn with the aforesaid liberty granted in favour of **applicants Satish Kandelwal and Shyam Khandelwal**.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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