

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1205 of 2019

- Kanwar Lal Kaushik S/o Late Baharram Kaushik Aged About 60 Years R/o Shivrinar (Rajeev Nagar) Near Shri HariKrishna Niwas Durg, District - Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Arjunda, District - Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/01/2020

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. 109/2019, registered at Police Station Arjunda, Distt. Balod (C.G.) for the offence punishable under Sections 120-B, 420, 467, 468 & 471 of the IPC.
2. As per prosecution story, on 02.09.2014, co-accused Chandrakant had executed a power of attorney in favour of one Gopi Patel for selling the land situated at Village Godela, District Balod and on the basis of said power of attorney, Gopi Patel had executed a sale deed on 18.04.2016 in favour of his wife namely Kusma Patel in sale consideration amount of Rs. 3,20,000/-, but before that, co-accused Chandrakant has executed sale deed in favour of one Pawan Kumar Kaushik on 17.07.2015 on the basis of forged and fabricated *Rin Pustika* prepared by the applicant. 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. No case can be made out against the applicant. Sale deed dated 17.07.2015 executed by co-accused Chandrakant in favour of one Pawan Kumar Kaushik, there was no mutation proceeding has been done in this regard. The applicant who is *Patwari*, has no knowledge regarding the same. The counsel further submits that at the time of executing sale deed to Gopi Patel, in revenue record name of co-accused Chandrakant was written. The applicant has not played any role in the crime in question. The counsel submits that If the cheating has been done with someone, co-accused Chandrakant played a main role on that. The counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he 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.
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 sale deed which was executed in the year 2015, mutation proceeding has been done, there is no document available on record and this information was within the knowledge of the applicant prima facie not established. 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