

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2022 of 2019

Abhishek Saraf S/o. Late Shri Ganesh Sharaf Aged About 34 Years
Resident Of Marari Moholla, Ward No. 7, Balaghat, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Lines Raipur, District
Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Abhyuday Singh, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09/03/2020

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. 636/2019, registered at Police Station Civil Lines, Distt. Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 R/w Section 34 of the IPC.
2. As per prosecution story, the applicant has connived with co-accused Vikram Bhatt in forging and fabricating registered sale deeds of lands bearing Khasra Number 130/7 are 5.593 hectare and Khasra Number 136 area 6.272 hectare, which were in the name of maternal Grand Mother and father of the complainant. It has been further alleged that accused persons have committed fraud by using such a forged instrument to get the revenue records corrected by mutating the name of present applicant as the title holder of the said land. On the basis of complaint made by the complainant, 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. He further submits that virtually land in question was sold in the year 1972-1974 through registered sale deed in favour of Ganesh Saraf father of present applicant and mutation was also done on 14.06.2019. He further submits that against the said mutation order, an appeal was also preferred by the complainant and the same was dismissed by the Court of S.D.M. vide order dated 22.08.2019 (Annexure A-6), thereafter false and fabricated report has been lodged by the complainant. The Counsel further submits that if the alleged cheating and forgery taken as it is, it was done by Ganesh Saraf, father of the applicant who has already died. The Counsel further submits that the entire case is of civil nature, prima facie no criminal case can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 facts that the lands were sold through registered sale deed in the year 1972-1974 and mutation was also done on 14.06.2019 and the order of mutation was also affirmed by SDM vide order dated 22.08.2019 (Annexure A-6). 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 solvent 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 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