

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2010 of 2019

Raju Khan S/o Shri Afaq Hussain Aged About 43 Years R/o Occupation- Business Prop. R.K. Traders, Sunder Nagar Kohaka Ward No. 08 Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station- Berla, Civil And Revenue District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.
For Objector	: Mr. Prasoon Agrawal, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/02/2020

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. 43/2019, registered at Police Station Berla, Distt. Bemetara Chhattisgarh for the offence punishable under Sections 419, 420, 468, 471, 120-B/34 of the IPC.
2. As per prosecution story, complainant Pushpa Vishwakarma has filed an application under Section 156(3) of Cr.P.C. before the Judicial Magistrate against 9 persons with the averment that his brother Babu Gyan Prakash with the help of other co-accused persons had prepared the forged Power of Attorney and on the basis of said forged Power of Attorney sold the land in which the complainant share is also available. Vide order dated 06.06.2018, learned Judicial Magistrate has allowed the application and directed the Police to register the offence and investigate the matter and on the basis of said order, offence has been registered against 9 persons. During course of investigation, it has been disclosed by the co-accused persons that the applicant has arranged the person to appear as complainant Pushpa Vishwakarma.
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 in FIR and application filed under Section 156(3) of Cr.P.C. before the Judicial Magistrate against 9 persons, the name of

the applicant is not mentioned. The Counsel further submits that there is no material available on record on the basis of which it can be said that the applicant has involved in the crime in question directly or indirectly. 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 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. 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. 20,000/- 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