

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2048 of 2019

- Lal Tarkeshwar Shah Khusro S/o Late Lal Dogendra Shah Aged About 57 Years R/o Village - Gandai, Pandariya, Tehsil Chhuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gandai, District Rajnandgaon Chhattisgarh, District: Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

08/01/2020

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. 250/2019, registered at Police Station Gandai, Distt. Rajnandgaon (C.G.) for the offence punishable under Sections 420, 447, 468, 467 & 471 of the IPC.
2. As per prosecution story, complainant Krishna Kumari had executed power of attorney in favour of the applicant in the year 1991 with regard to her agricultural land. The said power of attorney was canceled on 15.09.2019. Allegedly, the applicant has prepared a forged power of attorney dated 30.07.2018 and obtained KCC loan of Rs. 3,00,000/- from the Chhattisgarh Rajya Gramin Bank by putting forged signature of the complainant. On the basis of report 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. Loan was taken by the complainant herself and all the loan amount was already deposited by her. It is further submitted that the applicant has never prepared any forged power of attorney nor he put any forged signature of the complainant. Prima facie no case can be made out against him. 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 however it is fairly admitted by the State Counsel that witnesses of power of attorney dated 30.07.2018 namely Saket and Lochan Markam admitted the fact that the said power of attorney has been duly executed in front of them.
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 witnesses of power of attorney dated 30.07.2018 namely Saket and Lochan Markam admitted the fact that the said power of attorney has been duly executed in front of them. 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 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