

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2102 of 2019**

1. Kaliram, S/o Dhanau Ram Sahu Aged About 60 Years Agriculturist, R/o Bemta, Police Station Tilda, Neora, Tahsil Tilda, District Raipur Chhattisgarh.
2. Atma Ram S/o Kaliram Sahu Aged About 45 Years Agriculturist, R/o Bemta, Police Station Tilda, Neora, Tahsil Tilda, District Raipur Chhattisgarh.
3. Vishram S/o Kali Ram Sahu Aged About 42 Years Agriculturist, R/o Bemta, Police Station Tilda, Neora, Tahsil Tilda, District Raipur, Chhattisgarh.
4. Sanat Kumar S/o Kali Ram Sahu Aged About 30 Years Agriculturist, R/o Bemta, Police Station Tilda, Neora, Tahsil Tilda, District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Tilda Neora, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashok Verma with Shri Gajendra Sahu, Advocates.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri Akash Kundu, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/03/2020

1. The applicants are apprehending their arrest in connection with Crime No. 484/2019 registered at Police Station Tilda-Neora, District – Raipur, (C.G.). for the offence punishable under Sections 420/34 of I.P.C.
2. Facts of the case in brief is that, applicant No. 1 is the father and applicant Nos. 2, 3 & 4 are the real brothers of the complainant. On 05.11.2019 a written complaint has been filed by the complainant namely, Asha Devi stating that she was holding equal share in the ancestral property i.e. 11.2 hectares of land which belongs of her

grandfather namely, Dhanau Ram. It is alleged that on 20.12.1989, without the knowledge of the complainant, applicants made a conspiracy and wrote her (complainant) share of will in the name of applicant No. 4, namely Sanat Kumar, who was minor at that time. When Dhanau Ram was alive, at that time, present applicants had done mutation in their favour with the help of Revenue Officer. Thereby, applicants have committed the crime in question. On the basis of the said, offence has been registered.

3. Learned Counsels appearing for the applicants submit that the applicants are innocent and have been falsely implicated in the present case due to family dispute. They further submit that regarding the same land, one civil matter is pending which was filed by the complainant herself. Thus, it is clear that the matter relates to civil nature and the said civil case is pending. Since, 2017 litigations are going on between both the parties before Civil and Revenue Courts. On the same fact, earlier also, complainant had filed complaint before police but the same was not entertained by the police. *Prima facie*, no case is made out against applicants. Looking to the above, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that matter relates to civil nature and the said matter is pending before Civil and Revenue Courts wherein various ligations are pending between both the parties, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) They 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 them from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge