

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 323 of 2021**

- Shivam Pandey S/o Devendra Pandey, aged about 30 years, (wrongly mentioned as 22 years in the order dated 11.02.2021), R/o Purani Basti Korba, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Urga, District Korba (C.G.)

---- Respondent

For Applicant : Mr. Manoj Paranjape, Advocate.
For Respondent. : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime Number 785/2012 registered at Police Station - Urga, District Korba (C.G.) for the offence punishable under Sections 420, 467 468, 471 read with section 120-B and section 34 of Indian Penal Code.
2. The prosecution case, in brief, is that the FIR of the incident was lodged on 28.07.2012 at the instance of the then Nayab Tehsildar N.D. Gendale in respect of the incident alleged to have been committed in the year 2003-04. The FIR was lodged against seven accused persons namely Vijay Kumar Patel, Shanti Bai, Basanti Patel, Sahmbhunath Patel, Nandram Yadav, the then Patwari Umend Kurre and Shivam Pandey

(present applicant), inter-alia alleging that the accused persons have fraudulently and by preparing the forged sale deed of the land of one Purshottam Patel and reflecting the owner as Vijay Patel and Shanti Bai and by such act have made an illegal sale transaction in the name of present applicant. It is also alleged that the same was within the knowledge of the sub-registrar.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the FIR of the incident was lodged on 28.07.2012, thereafter, charge sheet was filed on 07.11.2012 and in the charge sheet the present applicant was not made an accused. In fact, his name was in the witness list of the prosecution. He also submits that the police authorities served a notice on the present applicant because of political pressure after nine years of the FIR and Final Report where the investigation against the applicant was completed and it was also ordered to remove the name of the present applicant from the aforesaid crime. He also submits that the dispute is between co-occupant and the present applicant is only a purchaser. Therefore, he may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that there is named FIR of the incident and the applicant may not be granted anticipatory bail only on the ground of long investigation. He also submits that the custodial interrogation of the applicant is required for adjudication of

the case.

5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the nature of offence and quality of evidence, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that 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/-
(Rajani Dubey)
Judge