

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 650 of 2021**

- Rafique Mohammad, S/o Late Mehbub Elahi, Aged About 36 Years, R/o- Karbala Road, Gandhi Chowk, Bilaspur, P.S.- City Kotwali, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S.- City Kotwali-Mungeli, District-Mungeli (Chhattisgarh).

---- Respondent

For Applicant	: Mr. J. A. Lohani, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.06.2021**

1. The matter is heard through video conferencing.
2. Admit.
3. 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 No. 553/2013 registered at Police Station- City Kotwali, District- Mungeli (C.G.) for commission of the offence punishable under Sections 420, 467, 468, 471, 120 (B) of IPC.
4. Case of the prosecution is that, co-accused Jaskaran Singh Gill who is a Director of M/s Sheron Overseas Groups Pvt. Ltd had obtained a lease of land bearing K.H. No. 521/3 in area 2.00 acres from the land owner namely R.K. Kehtrapal, Amit Anand and Mahesh Singh by a registered lease deed executed on 23.11.2012. Thereafter, upon having about correct information about land owner the said lease deed was cancelled by written registered instrument executed on 01.03.2013 in which applicant signed as witness. Based on this, offence was registered against the present applicant and other co-accused.
5. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case and he had only

signed in said document as a witness, witnessing the co-accused Jaskaran Singh Gill. He further submits that offence is triable by Judicial Magistrate First Class and other co-accused has been granted anticipatory bail in MCRCA No. 1393/2020 by Co-ordinate bench of this Court, therefore, the present applicant may be granted anticipatory bail.

6. On the other hand, counsel for the State however opposes the application for anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular offence is triable by Judicial Magistrate First Class and other co-accused has been granted anticipatory bail in MCRCA No. 1393/2020 by Co-ordinate bench of this Court, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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 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 or 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**