

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 982 of 2021**

- Saddam Hussain, S/o Shri Tahid Hussain, Aged About 30 Years, Caste Muslim, R/o Village Narayanpur, P. S. And Tehsil Ramanujnagar, District Surajpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	: Shri Surfaraj Khan, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

23.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 117 of 2021 registered at Police Station Ramanujnagar, District Surajpur, Chhattisgarh for commission of offenses punishable under Sections 419, 420, 467, 468, 471, 120-B and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant Manbodhani was having joint property land bearing Khasra No.237/1 and 400/1 measuring 0.07 hecrares and 0.220 hectares respectively, recorded in her name along with Rajendra Sarathi, Gajendra Sarathi and Puniyabai at Ramanuj Nagar. Co-Owners Rajendra Sarathi, Gajendra Sarathi and Puniyabai have executed sale deed, in favour of Premlata and Ravi Sahu, impersonating Manbodhani by one Budhani. When Manbodhani got knowledge of execution of sale deed, she lodged a report, based upon which crime has been registered against present applicant and others.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Surfaraj Khan, learned counsel for the applicant submits that applicant is only a witness to the sale deed. He has not identified persons to the sale deed but he is witness to the execution of sale deed between the parties. He submits that there is no allegation against applicant that he is beneficiary in transaction of sale deed in any manner. Hence, he may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that in the sale deed, signature of present applicant is there as witness, hence he is not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; the role played by present applicant while executing sale deed ie only as a witness; sale deed was executed by co-owners impersonating complainant by one Budhani, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-

five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma