

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1460 of 2020**

- Rajesh Soni S/o Jawahar Soni Aged About 50 Years Resident Of Ward No. 11, Pendra, Police Station- Pendra, District- Gourela-Pendra-Marwahi, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Pendra, District- Gourela-Pendra-Marwahi, Chhattisgarh

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For State	:	Smt. Hamida Siddiqui, Dy.A.G.
For Objector	:	Shri Anand Shukla, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/01/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.168/2020 registered at Police Station – Pendra, District – Gourela – Pendra- Marwahi CG) for alleged commission of offences under Section 420, 467, 468, 471, 120-B, 34 of IPC.
2. Prosecution case is that the applicant prepared forged documents of partition by putting signature of his own father and then, subsequently in the revenue papers also, signature of his father was put and mutation was done on 28/06/2016 whereas his father had already died on 16/06/2016.
3. Learned counsel for the applicant would submit that the applicant and the complainant are brothers. It is submitted that civil dispute is pending between them and long after decision of mutation proceedings, criminal case was filed. It is submitted that even civil suit was also filed by him. It is submitted that the allegations are based on the report which has been privately collected by the complainant / brother and the applicant is facing enquiry and also there is pending civil dispute.

4. On the other hand, learned State counsel and the counsel for the objector would submit that *prima facie* case against the applicant is made out in view of hand writing report collected through the expert and submitted during investigation by the complainant that the signature on the documents does not seems to be that of late Jawahar Soni.

5. Having considered submission of learned counsel for the parties, particularly taking into consideration that in the matter of complaint made earlier, enquiry was made by the police and submitted report before the Superintendent of Police that the dispute is of civil nature between the brothers, date of execution of *batwara* is prior to the date of death of his father, report was not collected by police agency and in the investigation, the prosecution has not come out with clinching evidence that the document is forged one and that prior to lodging criminal case, revenue proceedings have been drawn by the applicant and then the complainant lodged FIR, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 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.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge