

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1203 of 2021**

1. Baijnath S/o Chaitram Aged About 42 Years Caste Kanwar, R/o Village Darrideeh, Thana Lundra, Chouki Raghunathpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Sharma S/o Dilrakhan Aged About 50 Years Cast Agriya, R/o Village Raghunathpur, Thana Lundra, District - Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Chouki Raghunathpur, Police Station - Lundra, District - Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Shri AK Yadav, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021.**

1. The applicants have preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the CrPC') for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.106/2017 registered at Police Station Lundra Distt.Surguja (CG) for the offence punishable under Sections 420, 437, 468, 471, 34 of the Indian Penal Code.

2. Brief facts of the case are that complainant Ramprasad Paikra filed a written complaint that the applicants along with co-accused Chatrapal Paikra have made forged consent letter dated 22.10.2016 in the names of complainant Ramprasad Paikra, Hari

Prasad, Babulal, Jhaneshwari, Sulochani and Chattrapal with regard to their joint land and accused Chatrapal Paikra sold that land bearing Khasra No.255/9 area 0.162 hectare by registered sale deed to one Sunil, S/o. Radhe Shyam for consideration of Rs.1,65,500/-. Based on the above written complaint, present crime was registered against the applicants and co-accused Chatrapal Paikra under Sections 420, 467, 468, 471 and 34 of IPC.

3. Learned counsel for the applicants submits that complainant/victim persons and co-accused Chatrapal are all family members and due to some confusion, present FIR has been lodged. He would next submit that except complainant Ramprasad Paikra, other victim persons have sent letter to concerned Superintendent of Police stating that they do not want that any action be taken with regard to forged consent letter dated 22.10.2016. They have also sent their affidavit in this regard. He further submits that the land which has been allegedly sold, based on the consent letter, was only 40 decimal out of 13 acres of land and present applicants are only witnesses of execution of alleged forged consent letter. Hence, they may be enlarged on anticipatory bail.

4. On the other hand, learned counsel for the State opposes the application for grant of anticipatory bail submitting that without presence of the consenting parties and without verification from them, the applicants were actively involved in execution of the

alleged false and fabricated consent letter dated 22.10.2016, hence, their application for grant of anticipatory bail should be rejected.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, particularly the fact that without presence of the consenting persons and without verification from them, the alleged consent letter was executed and the applicants put their signature as witnesses that the said consent letter has been executed by all the consenting persons, which shows their involvement in the forged documents, hence, I do not feel inclined to grant anticipatory bail to the applicants. Accordingly, their bail application filed under Sections 438 CrPC is hereby rejected.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE