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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1196 of 2021**

- Surjan Singh, S/o Late Shri Lodho Singh, aged about 54 Years, R/o Jashpur Nagar, (Tankitoli) Tahsil Jashpur and District Jashpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Jashpur, District Jashpur, Chhattisgarh.

----Non-applicant

MCRCA No. 1206 of 2021

- Karan Singh, S/o Shri Naresh Singh, aged about 25 Years, R/o Village Jashpur, Mu. Baniyatoli, Tahsil and District Jashpur, Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Jashpur, District Jashpur, Chhattisgarh.

---Non-applicant

For Applicants Shri Anshul Tiwari, Advocate.

For State Shri B.P. Banjare and Shri Roshan Dubey, Panel
Lawyers.

Hon'ble Shri Justice Parth Prateem Sahu 

Order on Board**04/10/2021**

1. As both the aforesaid applications filed under Section 438 of CrPC by the applicants arise out of the same Crime No. 184/2021 registered at Police Station Jashpur, District Jashpur, C.G. for the offence under Sections 419, 420, 467, 468, 471 read with Section 120-B of Indian Penal Code, they are being disposed of by this common order.

2. Case of the prosecution is that the co-accused Rajesh Ram Sukhram executed a sale-deed in favour of Manoj Kumar Pradhan on 17.05.2021. Based on the registered sale-deed, when application under Sections 109 & 110 of the Chhattisgarh Land Revenue Code for mutation of the name of purchaser in revenue record was filed before the Tehsildar, the Tehsildar based on the revenue records found that the proper description of the land and the standing trees over the disputed land have not been shown in the sale-deed and the complaint was lodged. Based on the complaint, the aforementioned FIR was registered. During the preliminary inquiry, it also revealed that one of the sellers minor Garju as mentioned in sale-deed is not minor but Garju, son of Mogdu, died much prior to the execution of the sale-deed and the sale-deed has been registered showing Garju to be minor.
3. Shri Anshul Tiwari, learned counsel for the applicants would submit that the applicant Surjan Singh is the Document Writer of the sale-deed and the applicant-Karan Singh is one of the witnesses to the registered sale-deed. He submits that the role of the Document Writer is to type the document based on the information supplied to him by the purchaser and seller. The Document Writer is not in any manner beneficiary in commission of the alleged offence. The applicant being Document Writer has typed the contents of the sale-deed based on the information supplied to him. He was not aware with regard to the owners of land as mentioned in the sale-deed. The other applicant Karan Singh is a witness, resident of some other place and not of the village where the land is situated or the seller resides. He is the resident of Jashpur. Hence, applicant- Karan Singh has also not

committed any offence as alleged against him but for signing the execution of the document between the parties on the date of its execution as witness only to the execution of document.

4. Shri B.P. Banjare and Shri Roshan Dubey, learned counsel for the State opposes the submission made by learned counsel for the applicants and submit that the applicant being Document Writer has prepared the document after looking into the revenue records placed before him and in the revenue records which is part of the sale-deed there is specific mention of standing trees over the disputed property which is about 6 acres of land. Hence, the applicant Surjan Singh being Document Writer is also *prima-facie* involved in commission of the aforesaid crime. They submit that the other person Karan Singh has signed the sale-deed as witness to the execution of the sale-deed. Hence, his involvement is also very much there.

5. I have learned counsel for the respective parties.

6. Taking into consideration the nature of allegations, the submissions made by learned counsel for the parties and the fact that in the sale-deed it is mentioned that the Document Writer has typed the sale-deed based on the information supplied by the purchaser and seller and the other to be the witness of the sale-deed, resident of some other place, without commenting anything on merits of the case, I am inclined to allow the bail applications.

7. Accordingly, both the applications are allowed. It is directed that in the event of arrest of applicants in connection with the crime in question (184/2021), they shall be released on anticipatory bail by the Officer

arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicants shall also abide by the following conditions:-

(i) that the applicants shall make themselves available for interrogation before the Investigation Officer as and when required;

(ii) that the applicants shall not, directly or indirectly, make any inducement, threat of 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;

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge