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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1691 of 2020**

1. Vasudev Patel S/o Late Khimji Bhai Patel Aged About 51 Years R/o New Timber Market, Fafadhih, Raipur Tahsil And District Raipur Chhattisgarh Adhaar No. 9344 7859 0879, Mobile No. 9893292927
2. Tulsidas Patel S/o Shri Jayantilal Patel Aged About 47 Years R/o New Timber Market, Fafadhih, Raipur Tahsil And District Raipur Chhattisgarh Adhaar No. 4237 4597 5272, Mobile No. 9630831800, District : Raipur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh

---- Non-Applicant

MCRCA No. 1703 of 2020

1. Jasmeet Singh Chawla S/o Late Ajinder Singh Chawla, Aged About 35 Years R/o 76, Aishwarya Residency, Telibandha, Raipur Chhattisgarh.
2. Smt. Manjeet Kaur Chawla, W/o Late Ajinder Singh Chawla, Aged About 63 Years R/o 76, Aishwarya Residency, Telibandha, Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House In - Charge, Police Station City Khamtarai, Raipur Chhattisgarh.

---- Non-Applicant

For Applicants : Shri B.P. Sharma and Shri A.K. Prasad with Shri
Rishikant Mahobia, Advocates.
For Non-Applicant : Shri Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board**

18/02/2021 :

1. The aforesaid bail applications are being disposed of by this common order as they arise out of Crime No.544/2020, registered at Police Station Khamtarai, District Raipur for offence punishable under Sections 406, 418 and 511/34 of the IPC.
2. After the death of Ajinder Singh Chawla on 7.1.2018, father of the complainant Harpreet Kaur, present dispute had arisen between the legal heirs of the said Ajinder Singh, pursuant to which the present FIR has been lodged by Harpreet Kaur on 7.11.2020 alleging that her father had partnership with Patidar Developers India Private Limited to form another Firm namely, Adharsheela Developers to develop the properties mentioned in the FIR and thereafter to sell it. However, after the death of her father on 7.1.2018, the applicants are alienating the properties without involving her and by creating forged partnership deed dated 22.1.2018.
3. It is argued that the complainant has filed the civil suit on 24.9.2019 but has failed in her attempt to secure temporary injunction which was refused on 10.12.2019. Thereafter the civil dispute has been given colour of an offence by presenting the FIR.
4. Learned State Counsel would oppose the prayer for grant of anticipatory bail to the applicants.
5. Considering the previous civil dispute between the parties and the allegations in the FIR, it appears, the parties have subsisting civil dispute pertaining to share in the property belonging to Ajinder Singh Chawla. Applicant Jasmeet Singh Chawla is the brother whereas applicant Smt. Manjeet Kaur Chawla, aged about 63 years, is the mother of complainant Harpreet Kaur. Two other applicants namely, Vasudev Patel and Tulsidas Patel are partners of the Firm namely, Patidar Developers India Private Limited, who in turn is a partner in the firm M/s Adharsheela Developers.
6. Considering the entire fact situation of the case, particularly

considering the nature of dispute wherein custodial interrogation may not be required, I am inclined to extend the benefit of anticipatory bail to the applicants.

7. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) they shall not influence the witnesses during trial.

(ii) they shall make themselves available for interrogation by a police officer as and when required;

(iii) they 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.

Sd/-
Judge
(Prashant Kumar Mishra)

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