

(2018) 07 CHH CK 0031
In the Chhattisgarh High Court
Case No : M.Cr.C.(A) No. 467 of 2018

Amrendra Pandey And Anr.

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 12-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code? 1860 — Section 34, 416, 420, 467, 468

Citation : (2018) 07 CHH CK 0031

Hon'ble Judges : RAJENDRA CHANDRA SINGH SAMANT, J

Bench : Single Bench

Advocate : Pramod Shrivastava, Anil S. Pandey

Final Decision : Disposed off

Judgement

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 615 of 2010, registered at Police Station â?" City Kotwali, Durg, District â?" Durg, Chhattisgarh for the offences punishable under Sections 420, 467, 468 and 416/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Apart from that, the complainant has compromised with the applicants and he appeared before the Sessions Court making a statement of no objection in grant of bail to the applicants and also by filing an affidavit in this respect.

Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the case against these applicants, a land belonging to complainants â?" Birendra Kumar Pandey and Rajendra Pandey was sold to co-accused â?" Smt. Leela Pandey, in which the complainant was impersonated by co-accused â?" Santosh Pandey. The allegation against these applicants is that they had been the witness of the said sale deed identifying co-accused - Santosh Pandey as Birendra Kumar Pandey. Hence, this case.

7. Considered the entire material present in the case-diary and also considered the compromise taken place between the parties. Hence, for these reasons, this appears to be a fit case for grant of anticipatory bail.

8. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

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

(ii) that the applicants 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 them 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.'