



NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1587 of 2021

1. Rajesh Kumar Guruwani S/o Late Shri Mohan Lal Guruwani
Aged About 55 Years R/o Tirthani Lane, New Sarkanda, P.S.
Sarkanda District Bilaspur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Civil Line,
District Bilaspur Chhattisgarh.

---- Respondent

For Applicant

Dr. Shailesh Ahuja, Advocate

For Respondent/State

Mr. Ghanshyam Patel, Govt. Advocate

For Objector

Mr. Ratnesh Kumar Agrawal, Advocate

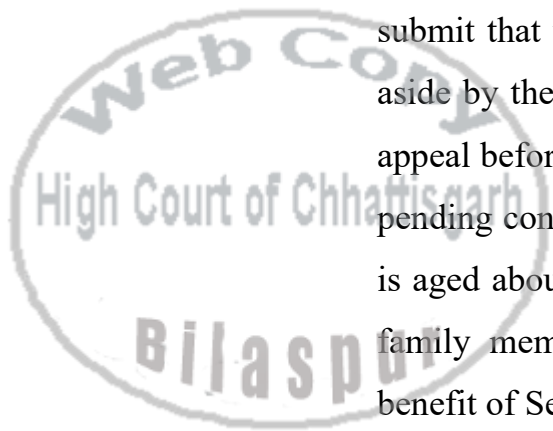
(Proceedings through Video Conferencing)Hon'ble Mr. Justice Goutam BhaduriOrder on Board14-02-2022

1. The applicant has preferred this **first bail application for grant of anticipatory bail**, as he apprehends his arrest in connection with Crime No.991/2021, registered at Police Station Civil Lines, District Bilaspur (CG), for offence punishable under Sections 420, 467 and 468 of the Indian Penal Code.
2. A report was made by one Suresh Guruwani, elder brother of the applicant, on 21-9-2021 that he owns self acquired property i.e. land bearing khasra No.262, 263/1 situated at Mangla. The present applicant filed an application and affidavit before the



Tahsildar by forging the signature of the complainant to add the name of the applicant as co-owner and on that basis the Tahsildar recorded the name of the applicant as co-owner in respect of the property. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant and the complainant are the real brothers. Their father Mohan Lal Guruwani died in the year 2009 and they survived by four brothers and sisters. Being eldest son, the properties were recorded in the name of the complainant and he is not willing to give share to his brothers. Learned counsel would submit that the mutation order passed by the Tahsildar was set aside by the Sub Divisional Officer, which is subject matter of appeal before the Divisional Commissioner and now the same is pending consideration. He would also submit that the applicant is aged about 55 years and the present is a dispute between the family members. Thus, the applicant may be extended the benefit of Section 438 Cr.PC.
4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the bail application. Learned counsel for the State read out the statement and affidavit. Learned counsel for the objector would submit that the property on which the name of the applicant has been added is, in fact, self acquired property of the complainant. By suppressing the material facts, interim order was obtained from the Court of Divisional Commissioner.
5. Considering the entire facts situation of the case, *prima facie*, it appears that it is an *inter se* dispute between two brothers and the applicant is aged about 55 years. The complainant alleged that the applicant forged his signature in the application and in





the affidavit, which is subject matter of adjudication first before the Tahsildar, then SDO and now the issue is pending consideration before the Divisional Commissioner and there is no conclusion with regard to the aforesaid allegations. Thus, this Court is inclined to release the applicant on anticipatory bail.

6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-



- he shall make himself available for interrogation by a police officer as and when required;
- 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.
- he shall not influence the witnesses during pendency of the trial.

Sd/-

(Goutam Bhaduri)
Judge

Gowri