

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 492 of 2015

Surajbhan Rakhi S/O Mahesh Ram, Aged About 33 years Caste-
Kanwar, R/o Narkalo, Post Office- Narkalo, Thana & Tahsil-
Dharamjaigarh, Civil And Revenue District- Raigarh, Chhattisgarh

Applicant

Versus

State Of Chhattisgarh Through: S.H.O. Police Station Dharamjaigarh,
District Raigarh, Chhattisgarh

---- Non-applicant

For applicant	:	Shri Wasim Miyan, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Order On Board

30/06/2015

The applicant is apprehending his arrest in connection with Crime No.82/2015 registered at Police Station Dharamjaigarh, District Raigarh for alleged commission of offence under Section 420, 467, 468 of IPC.

2. Case of the prosecution is that the co-accused Ram Kunwar, Bir Singh, Smt. Vrindawati and Phool Singh Rathiya all related to each other sold land to the applicant. It is alleged that the land was jointly held by three of the aforesaid accused except Phool Singh Rathiya. Anand one of the joint holder was not actually present at the time of execution of sale deed and Phool Singh Rathiya impersonated him. The applicant is the purchaser. By impersonating Anand, one of the joint holder, land has been sold to the applicant and thereby fraud has been committed.

3. Learned counsel for the applicant submits that the he is the bonafide purchaser. The sale deed contains the signature of three joint holder and if they have brought other relative Phool Singh Rathiya by impersonating him as Anand, the applicant cannot be held responsible.

4. On the other hand, learned State counsel opposes the prayer for grant of bail by submitting that the applicant happens to be resident of the same village and therefore, it is improbable that he would not know Anand. He also

submits that in the complaint, it has been stated that Anand is missing since several years.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that there is no authentic material collected as to from which date Anand is missing and in the absence of there being any missing report and further taking into consideration that the applicant claims to be bonafide purchaser, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- (I) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant 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.
- Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

JUDGE