

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 882 of 2015

Jawahar Agrawal S/o Chandgi Ram Agrawal, Aged About 52 Years R/o Gupta Gali,
Korba, Tahsil And Distt. Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Korba, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Dr. N.K. Shukla, Senior Advocate with Shri Manoj Yadav, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate

Order On Board

11/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.33/2013 registered at police station –Ajak, Korba (C.G.) for alleged commission of offence under Section 419, 420, 467, 468, 471 read with Section 34 of IPC and 3((1) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that one Pardeshi impersonated as Ram Sai and sold the land recorded in the name of Ram Sai to the present applicant by registered sale deed. According to the prosecution, it is alleged that this sale deed was stage managed by the applicant who was the beneficiary of the sale transaction and he got a fake person produced as Ram Sai before Registering Authority to get the sale deed registered in his favour.
3. Learned counsel for the applicant submits that the applicant is also victim of the fraud. He was introduced land by a land broker and co-accused Pardeshi was not identified by the applicant but by some other persons and the applicant bonafide believing Pardeshi as Ram Sai paid the consideration. It is submitted that all the land records recorded in the name of Ram Sai were in the possession of Pardeshi including 22 points report given by revenue officer, therefore, the applicant had no reason to doubt the identity of Ram Sai. However, when the applicant later on, came to know that a fraud has been played, the applicant himself lodged a complaint on 29.03.2012 and also filed a civil suit and it is only thereafter in the year

2013, FIR has been registered by police.

4. On the other hand, learned counsel for the State opposes prayer and submits that it is highly improbable that the applicant would not have known the real owner of the property.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that much prior to lodging of complaint and registering offence in the present case, the applicant had already lodged a complaint on 29.03.2012 of he being defrauded under the fraudulent transaction of sale and that three members committee constituted by the revenue authorities also prima facie found that the applicant is one of the victim of fraud, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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