

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1035 of 2015

- 1. Idan Bee, daughter of Maste Khan, Aged About 70 Years, R/o Kosta Para, Dhamtari, District Dhamtari (Chhattisgarh).
 - 2. Hakim Bee, D/o Maste Khan Aged About 68 Years R/o Village Kanpa, Tumgaon, District Mahasamund (Chhattisgarh).
 - 3. Piran Bee D/o Maste Khan Aged About 65 Years R/o Balod, District Balod (Chhattisgarh).
 - 4. Habib Bee D/o Maste Khan Aged About 63 Years R/o Pod Rajim, District Gariyaband (Chhattisgarh).
 - 5. Kashiran Begum D/o Karim Khan Aged About 49 Years R/o Subhash Nagar, Mahasamund, District Mahasamund (Chhattisgarh).
 - 6. Rajiya Begum D/o Karim Khan Aged About 47 Years R/o Mana Camp, Raipur, Tahsil & District Raipur (Chhattisgarh).
 - 7. Jarina Begum D/o Karim Khan Aged About 43 Years R/o Navapara, Tahsil Nayapara, District Raipur (Chhattisgarh).
 - 8. Hasina Begum D/o Karim Khan Aged About 41 Years R/O Kosta Para, Dhamtari, District Dhamtari (Chhattisgarh).
 - 9. Khatija Begum D/o Karim Khan Aged About 39 Years R/o Bawankera, District Mahasamund (Chhattisgarh).
 - 10. Begum Bee W/o Late Karim Khan Aged About 70 Years Village Pacheda, Tahsil & Police Station Abhanpur, District Raipur (Chhattisgarh).
 - 11. Ikram Khan S/o Late Karim Khan Aged About 37 Years (Wrongly Mentioned As 68 Years In The Order Sheet) R/o Village Pacheda, Tahsil & Police Station Abhanpur, District Raipur (Chhattisgarh).
 - 12. Chand Khan S/o Late Karim Khan Aged About 34 Years R/o Village Pacheda, Tahsil & Police Station Abhanpur, District Raipur (Chhattisgarh).
 - 13. Dildar Khan S/o Late Karim Khan Aged About 32 Years R/o Village Pacheda, Tahsil & Police Station Abhanpur, District Raipur (Chhattisgarh).
- Petitioners**

Versus

State of Chhattisgarh Through Police Station Abhanpur, District Raipur (Chhattisgarh).

--- Respondent

For the applicant	:	Mr. Gurudev I. Sharan, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2015

1. Apprehending arrest in connection with Crime No. 262/2015 registered at Police Station Abhanpur, District Raipur (C.G) for the offences punishable under Sections 420, 467, 468, 471 & 120-B of IPC, the applicants have filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a land bearing Khasra No.956 admeasuring 3.39 acres was in the name one Karim Khan. Subsequently, the said land was acquired by irrigation department. Karim Khan executed a registered sale deed in favour of Government. However, the name of Karim Khan continued in the revenue records. Karim Khan died and after his death, the applicants being legal heirs came into possession and in the revenue records their names also continued. After death of Karim Khan, the Naya Raipur Development Authority also acquired certain land from the applicants. The allegation is that the applicants being legal heirs again received a compensation of Rs.19,20,000/- and therefore they have played fraud.
3. Learned counsel for the applicants submits that though at the time when the land was acquired in the year 1972, the applicants were not in know of the fact as to whether such land was sold by Karim Khan in favour of Government and therefore, under the bonafide belief they have all received the amount of compensation since the names of applicants continued in the revenue records and they have paid revenue taxes as also water cess for cultivating the land. He therefore submits that there is no criminality on the part of applicants. He further submits that the State is at liberty to recover the amount by coercive steps if so adjudicated by court of law. He prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, learned State Counsel opposes the bail application.
5. A perusal of the case diary and documents would demonstrate that the acquisition was made from Karim Khan, however, according to revenue document, after death of Karim Khan, the names of his legal heirs continued in respect of the land in dispute and they have paid taxes, water cess etc. If the fact remains as to whether any prima facie case is made out about the criminality of the accused/ applicants, this has to be adjudicated during trial. Therefore, taking into totality of the facts and circumstances involved in this case, I am inclined to enlarge the applicants on anticipatory bail.

6. Accordingly, the anticipatory bail application is 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 each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE