

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1087 of 2015

Ashok Kumar Patel, son of Ujval Singh Patel, aged about 58 years,
occupation Farmer, resident of village Banhar, P.S. Kotara road,
Tahsil & District Raigarh (C.G) **--- Applicant**

Versus

State of Chhattisgarh, through Police Station Chakradhar Nagar,
District Raigarh, Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Vineet Pandey, 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. 242/2015 registered at Police Station Chakradhar Nagar, District Raigarh (C.G) for the offences punishable under Sections 420, 467 & 468 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution story, a complaint was filed that the lands bearing Kh. No.158/1 and 149/2 admeasuring 0.182 & 0.296 hectares situated at village Banhar, Gram Panchayat Dumarपालि which were in the name of applicant were sold to Jindal Steel & Power Plant by registered sale deed in the year 2008 and subsequently the same was again sold to Chandrakant Devangan, therefore, the report was made by the husband of Chandrakant Dewangan.
3. Learned counsel for the applicant submits that after realizing the mistake, the applicant has entered into a settlement with complainant and in lieu of the land sold, another sale deed for the same area has been executed in favour of the complainant's wife on 15th September, 2015, a photocopy of the settlement is placed on record. Therefore, he submits that the applicant may not be arrested as the issue has already been settled.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the settlement and the subsequent sale deed. Taking into the facts that the subsequent sale deed has been

executed in favour of Chandrakant Devangan, wife of complainant and a civil suit for cancellation of second sale deed has already been filed, I am inclined to release the applicant on anticipatory bail.

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

- (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE