

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1128 of 2015

Manish Kumar Agrawal, son of Shri Ashok Kumar Agrawal, aged about 27 years, resident of Ward No.12 Agrasen Chowk, Sakti, District Janjgir Champa (C.G). **--- Applicant**

Versus

The State of Chhattisgarh through Station House Officer of Police Station Sakti, District Janjgir Champa, Chhattisgarh **--- Respondent**

For the applicants	:	Mr. Shailendra Dubey, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.
For the objector	:	Mr. Vimal Todney, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.11.2015

1. Apprehending arrest in connection with Crime No.264/2015 of registered at Police Station Sakti District Janjgir Champa Chhattisgarh for the offences punishable under Sections 420, 467, 468, 506, 34 IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, a complaint was lodged by one joint owner of the land Bhajoram Sahu on 10.09.2015 that he holds certain land alongwith his brothers Dhaja Ram and Shobha Ram which was initially sold by Dhajaram on 30.05.2015 and though the sale was said to be joint but Dhaja Ram and Shobha Ram had not signed the sale deed. It is alleged that thereafter subsequent sale was got registered on 21.08.2015 by the applicant by pressurizing and threatening Dhajaram, Bhajoram and Shobha Ram that they will be inculpated in false case.

3. Learned counsel for the applicant submits that the applicant is bonafide purchaser and initially the transaction was made by Bhajo Ram and the sale deed executed on 30.05.2015 wherein Bhajo Ram and Shobha Ram though were represented but subsequently it came to his notice that false personification of Bhajo Ram and Shobharam was made and consequently the applicant at his own again got the sale deed registered and the 3 brothers Dhajaram Bjhajoram and Shobha Ram had signed the sale deed on 21.08.2015. It is further submitted that a civil suit to cancel the earlier sale deed was also filed on 30.05.2015, therefore, it is contended that the applicant on his part has not played any mischief or fraud and after knowing the fact that earlier sale deed was not properly executed on his own has got the sale deed executed by the original owners and the civil suit was also filed to cancel the earlier sale deed, therefore, no criminality can be attributed to the applicant.
4. Per contra, learned State Counsel and also learned counsel for the objector oppose the prayer for grant of bail. They submit that on the report of Bhajo Ram the case is being investigated.
5. I have gone through the case diary and other documents. The case diary contains the alleged sale deed and the statements of other witnesses wherein in respect of the subsequent sale deed, it is alleged that by using force, the sale deed was executed before Sub-Registrar but no objections appear to have been placed on record.
6. Considering the case diary documents and the nature of transaction and the fact that a civil suit has been filed by the applicant to cancel the earlier sale deed, I am inclined to allow this bail application.
7. Accordingly, the 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 each 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

Rao