

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 870 of 2015

1. Champa Bai D/o Shaukilal, Aged About 60 Years R/o Village- Rengalpali, Tahsil And Police Station- Pusaur, Tahsil And District- Raigarh, Civil And Revenue District- Raigarh (Chhattisgarh)
2. Sunaina D/o Shaukilal, Aged About 57 Years R/o Village- Chhichor Umaria, Tahsil And Police Station- Pusaur, Tah and District- Raigarh, Civil And Revenue District- Raigarh (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh Through- Police Station- Pusaur, District- Raigarh (Chhattisgarh)

---- Respondent

Shri Manoj Kumar Sinha, counsel for the applicant/s.
Shri Satish Gupta, Govt. Adv. for the State.

Order On Board

15/09/2015

The applicants are apprehending their arrest in connection with Crime No.62/14 registered at police station – Pusaur, Distt. - Raigarh (CG) for alleged commission of offence under Section 420, 467, 468, 120-B/34 of IPC.

2. The allegation against the applicants are that the applicants and their family members have played fraud and got the land belonging to complainants Dilip and Deepak which was entered in the name of the complainant and without the knowledge of complainant, the applicants have thus cheated the complainant Dilip and Deepak.

3. Counsel for the applicants submit that the plain reading of the complaint filed by the complainants Dilip and Deepak who are real brothers wherein they have categorically submitted that they had given the consent for property being entered into the name of their aunt (Bua) but in stead of that they have got the property entered into the name of the family members of aunt (Bua) i.e. the

applicants who are sons of the said (Bua) i.e. the applicants, who are sons of the said aunt (Bua) and also got wrongly entered the name of one Soukilal and his family members by way of fraud played by Soukilal and the other family members.

4. On the other hand, learned counsel for the State submits that case of the applicant is similar to that of applicants, who have already been granted bail by this court M. Cr. C. (A) NO. 571/2014 on 25-07-2014.

5. Considering the totality of the facts and circumstances of the case, particularly the contents of the complaint wherein the complainants have categorically held that the complainants had given consent for entering the name of their aunt in the said property, and the fact that similarly situated co-accused persons have already been granted bail by this court vide order dated 25-07-2014 passed in M.Cr.C. (A) No.571 of 2014, this court is of the view that it is a fit case to grant anticipatory bail to the applicant . Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation by a Police 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

**Manindra Mohan Shrivastava
Judge**