

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 813 of 2015

Krishna Kumar Verma S/o Ghanaram Verma Aged About 60 Years R/o M.I.G. Duplex
575, M.P. Housing Board, Bhilai, District Durg Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through : Station House Officer Police Station Durg, District
Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri N.S. Dhurandhar, Advocate
For Respondent/State	:	Shri Satish Gupta, Government Advocate
For Objector	:	Shri Abhishek Sinha, Advocate

Order

02/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.611/2015 registered at Police Station Durg, District Durg (C.G.) for alleged commission of offence under Section 420 of IPC.
2. Prosecution case is that the applicant purchased land of complainant in a fraudulent transaction where sale was made on the basis of a forged power of attorney of complainant Pushpa Jhariya in the name of L.K. Singh. Later on, the applicant got his name mutated on the basis of a forged sale deed which mutation order was later on, cancelled in the year 1992 on the application of applicant himself. These proceedings of cancellation were suppressed and again, application for mutation was filed before the Tehsildar by the applicant. This was subsequently revealed and then the Sub-Divisional Officer sent a written complaint as also written report lodged by Pushpa Jhariya to Superintendent of Police leading for registration of offence against the applicant.
3. Learned counsel for the applicant submits that the applicant was bonafide purchaser from one L.K. Singh, who appeared as power of attorney of Pushpa Jhariya. On that basis,

mutation was made which was not known to him, cancellation if any made, his name was also not known to him and he bonafide moved application for mutation only in the year 2015 when he came to know that without his notice firstly land was mutated in his name and thereafter, some order on cancellation of mutation was passed in the year 1992, which was not in his notice at all. Therefore, he may be granted anticipatory bail.

4. On the other hand, learned counsel for the State and Objector oppose prayer and submit that the applicant fraudulently grabbed the land of the complainant under fraudulent transaction of sale by one L.K. Singh on the basis of forged power of attorney of complainant Pushpa Jhariya. The applicant got the name recorded in mutation proceedings, which was later on, cancelled on his own application in the year 1992, thereafter, again a new application was filed for mutation suppressing the fact that earlier mutation application was allowed and then cancelled. The applicant have, thus, committed the offence of cheating and investigation is still going on in the matter.

5. Taking into consideration the nature of allegations and the allegation that the sale deed itself was on the basis of a forged power of attorney and the complaint that Pushpa Jhariya never executed power of attorney in favour of L.K. Singh and that their allegation of getting the name mutated by suppressing earlier orders and proceedings of mutation and its cancellation on applicant's own application, I am not inclined to grant anticipatory bail to the applicant.

6. The application is rejected.

Sd/-

Manindra Mohan Shrivastava

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