

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 104 of 2016

Chintamani, S/o. Late Shri Hundaru Mahkul, aged about 70 years, R/o. Village-Godhikala, Thana-Patthalgaon, Tahsil-Patthalgaon, Civil and Revenue District – Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station-Patthalgaon, District – Jashpur (Chhattisgarh)

---- Respondent

AND

M.Cr.C.(A) No. 107 of 2016

Vikas Agrawal, S/o. Jagdish Agrawal, aged about 28 years, R/o. Pathalgaon, Thana-Pathalgaon, Civil and Revenue District – Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station- Patthalgaon, Civil and Revenue District – Jashpur (Chhattisgarh)

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate &
Mr. Sandeep Yadav, Advocate

For Respondent : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/02/2016

1. Apprehending arrest in connection with Crime No.312/2015 registered at Police Station- Patthalgaon, District – Jashpur (C.G.) for the offence punishable under Section 420, 467, 468, 471 & 120-B of Indian Penal Code, the applicants have preferred these applications under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, a sale deed was executed by Chintamani in favour of Vikas Agrawal in respect of the land

bearing Kh.No.185/5 area 0.234 hectares. It is the case of the prosecution that Kh.No.185/5 was actually of the area of 0.036 hectares, which was interpolated and the area was inflated to 0.254 hectares and out of that 0.234 hectares was sold by registered sale deed 18.07.2013 in favour of the Vikas Agrawal. Therefore, by interpolating the documents fraud has been committed.

3. Learned counsel for the applicants would submit that earlier the khasra number of the land was bearing 165/3 and the sale deed even if has been executed over and above the land, which is existing there it would not bring the criminality and the case is of civil in nature. They would further submit that as per the revenue records, which was given by the Pladius Toppo, the then Patwari, the sale deed was executed wherein the area of the land was shown as 0.254 hectares, therefore, the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the documents and the sale deed, wherein it is shown that sale in respect of the land Kh.No.185/5 was executed of an area 0.234 hectares. The sale deed contains a report of the Patwari, Pladius Toppo, wherein the area of the land is shown as 0.234 hectares. Taking into such documentary evidence that originally the land was shown to be recorded in the name of Vindheshwari, the father of the seller, wherein revenue records shows that area of the land was overwritten as 0.254 hectares. Taking into the totality of the facts and circumstances of the case, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail applications are allowed.
8. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants 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/-
(Goutam Bhaduri)
Judge