

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 985 of 2016

1. Bhagwat Prasad Gupta S/o Lat Jagannath Gupta, aged about 74 years, resident of Arjunda, Police Station – Arjunda, District – Balod (CG)
2. Dipesh Kumar Jain S/o Anil Jain, aged about 30 years, R/o Village – Arjunda, District – Durg (CG) at present, R/o Rishabh Nagar, Durg, District – Durg (CG)

---- Applicants

Versus

1. State Of Chhattisgarh Through Its Station House In - Charge, Sarkanda, P. S. Sarkanda, Tahsil & District Bilaspur, Chhattisgarh
2. Harjinder Singh, aged about 52 years, S/o Ravel Singh, R/o Nagpur Naka, Behind Kakkad Auto, Rajnandgaon, Police station – City Kotwali, Rajnandgaon, District – Rajnandgaon (CG)

---- Respondents

Shri Gautam Khetrapal, counsel for the applicant/s.
Shri D.R.Minj, Dy.G.A. for the State / respondent No.1.
Shri Mandeep Singh, counsel for respondent No.2 / objector.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/12/2016

Heard.

The applicants are apprehending their arrest in connection with complaint case no.25841/2013 filed in the Court of Judicial Magistrate, 1st Class, Durg, CG and cognizance taken for alleged commission of offences under Sections 420, 467, 468, 471 and 120-B of IPC.

2. Case of the complainant is that the applicants, along with other co-accused, hatched conspiracy to grab the land of the complainant in furtherance of which, a forged power of attorney in favour of Manjeet Kaur was prepared and it is alleged that co-accused – Jaswinder Kaur impersonated herself as Manjeet Kaur and executed a sale deed in favour of the present applicants in respect of the land belonging to the complainant – Harjinder Singh. The Magistrate, after recording

preliminary statement of the complainant and his witnesses, has taken cognizance of the offences and issued process giving an apprehension of arrest, hence, this application.

3. Learned counsel for the applicant argues that the applicants are bonafide purchasers of the land and infact, the applicants have also been cheated. He submits that the applicants never knew nor had any idea that the person who sold the land to the applicants has no power of attorney and a forged power of attorney has been used. It is further submitted that the applicants bonafide believing the seller as Manjeet Kaur, in whose name, land has been recorded, proceeded to purchase the land by way of registered sale deed by paying consideration towards sale.

4. On the other hand, learned counsel for the complainant opposes bail application by submitting that the witnesses of power of attorney and the witnesses of sale deed are all residents of the same locality where the applicants are residing and within a short period of about one year, the property was re-sold to the third party on higher price and the conduct of the applicants in not filing any complaint against the seller on the allegation that they have been subjected to cheating, shows their involvement in the conspiracy.

5. Considering the submission of learned counsel for the parties, taking into consideration the nature of allegations against the applicants and further taking into consideration that the other co-accused namely Jaswinder Kaur, Zafar Rashid Khan and Sunil Barmecha are absconding, I am not inclined to grant benefit of anticipatory bail to the applicants at this stage. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge