

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 69 of 2016

- Manish Agrawal S/o Shri Jagdish Agrawal Aged About 31 Years R/o Pathalgaon, Thana & Tahsil Pathalgaon, District Jashpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Pathalgaon, District Jashpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vinay Pandey, Advocate.
For the 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. 296/2015 registered at Police Station Pathalgaon, Jashpur (C.G) for the offences punishable under section 420, 467, 468, 471, 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made on 03.11.2015 to the Collector, Jashpur by three persons namely Kamlesh Yadav and others. The land bearing Khasra Nos.240, 241, 288, 289 which was originally owned by Ransai son of Pakeram Gond who was an aboriginal tribe. The Sale deed in respect of the same land was executed on 10.07.2013 in favour of Harihar Singh son of Thakur Singh Gond who was also an aboriginal tribe. Subsequently the same land was got recorded in the name of Chamru son of Kurso who was a

non-aboriginal and in turn the sale of same land was got executed on 12.8.2013 in favour of applicant Manish Agrawal, therefore, the land of aboriginal tribe was illegally purchased by Manish Agrawal, the applicant.

3. Learned counsel for the applicant submits that the applicant himself is a victim as he has purchased the land for a valuable consideration. It is further contended that the sale deed was of the year 2013 and immediately after coming to know the fact that Chamru was not the owner though he has sold the land, the applicant Manish Agrawal has been deceived, therefore, he may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that initially the land belonged to Ransai, an aboriginal who sold the said land to Harihar Singh who was also an aboriginal tribe and Harihar Singh was an employee in the rice-mill of the applicant and thereafter the applicant got the sale deed executed in respect of the said land in the name of Chamru who was aged about 72 years and Chamru got the sale deed executed in favour of the applicant at the connivance of the applicant and other co-accused and therefore, the matter needs to be investigated.
5. Perused the case diary and the document. Admittedly originally the land belonged to one Ran Sai which was sold in favour of one Harihar Singh. In the sale deed dated 02.07.2013 which is a transaction between Ransai and Harihar Singh, Manish Agrawal was an attesting witness. Statement of Harihar Singh would show that he

was working an employee in the rice mill of applicant Manish Agrawal and certain transaction was made. Subsequently the same subject land was recorded in the name of Chamru who was not an aboriginal tribe from whom the applicant purchased the land by sale deed dated 12.08.2013. Thereafter, Chamru has breathed his last. It appears that at the time of execution of the sale deed which is a transaction between the applicant and Chamru, the age of executant Chamru was 72 years.

6. Considering the role played by applicant and taking into consideration the documents and statements of witnesses, *prima facie*, the involvement of the applicant cannot be ruled out. Consequently, I am not inclined to extend the benefit of Section 438 Cr.P.C., to the applicant. Accordingly, the application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**