

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 195 /2016

Manish Agrawal, S/o. Jagdish Agrawal, Aged About 32 Years, R/o. Pathalgaon, Thana & Tahsil - Pathalgaon, District - Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station - Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vinay Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.311/2015 registered at Police Station- Pathalgaon, District Jashpur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made that the applicant by playing fraud in the revenue record got a sale deed registered in his name and the sale deed was alleged to be made from one Chamru to the applicant. Infact, Chamru was never the owner of the land and the land was owned by Harihar Singh. The land was originally held by one Sahdev Singh who was an ab-original tribe and after his death, name of Hemant Singh was recorded who was also an ab-original tribe and the sale deed executed in between Hemant Singh to Harihar Singh on 01.08.2013. The applicant stood as attesting witness and thereby knowing fully well that the land belong to an ab-original tribe got it fraudulently transferred to his name.

3. Learned counsel for the applicant would submit that the applicant has purchased the land after payment of sale consideration to Chamru and infact he has been defrauded. He further submits that neither Hemant Singh has come forward nor Harihar Singh that his land has been purchased by the applicant and further submits that even if the land is sold by Chamru, it will not clothe applicant with the ownership.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. The case diary would show that a report was made and thereafter an enquiry was conducted by the Collector and it was found that the land bearing Khasra No.174 admeasuring 0.166 hectare belonged to Sahdev Singh who was an ab-original tribe. After his death, it was recorded in name of Hemant Singh. Subsequently, on 01.08.2013 it was sold to Harihar Singh wherein this applicant was attesting witness. Harihar Singh was servant of this applicant and subsequently name of Chamru was recorded in the revenue record and sale deed was got executed in favour of the applicant. Taking into the series of transaction and the applicant stood as attesting witness in the sale deed of Harihar Singh, who was servant of the applicant, taking into totality of fact, in the opinion of this Court, it appears that it is not a case where the custodial interrogation of the applicant may not be required, therefore, I am not inclined to enlarge the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge