

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 412 of 2016

Lal Sai Shrivasa S/o. Mr. Jhuru Ram Shrivasa, aged about 57 years, R/o.
Village Mopka, Thana Sarkanda, Tahsil and District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Sarkanda, District
Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Achyut Tiwari, Advocate
For Respondent/State	:-	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/05/2016

1. Apprehending arrest in connection with Crime No 302/2014 registered at Police Station- Sarkanda, District Bilaspur (C.G.) for the offence punishable under sections 420,467,468,471,120B,34 of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case, the applicant sold the land along with Surendra Kumar, Shanti, Dhan Bai, Dhelau and Lal Sai in respect of the land bearing Khasra No. 2289 admeasuring area 0.58 acres situated at Mopka. The report was made by complainant Suraj Prakash, it is alleged that Dhanbai was shown to be seller but she died earlier and a forged power of attorney was executed in favour of Dhan Bai, purported to be power of attorney was given by Dhanau. Thereafter, the said sale was made to Pawansut Bilders for consideration of Rs. 1,60,000/-; thereby the

offence has been committed.

3. Counsel for the applicant submits that the applicant has not committed any offence and he has sold his part of land which devolved on him after the death of his forefather, therefore, the applicant may be given the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary. Perusal of the case diary would show that the applicant was the seller himself appeared during the execution of sale as such his presence at him of sale is not disputed. The sale deed itself is alleged to be executed by fraud. The other similarly placed co-accused namely Surendra Kumar and Shanti Bai have been enlarged on regular bail by the coordinate bench of this High Court. Considering the facts of this case, it is not the case where the benefit of section 438 of Cr.P.C. can be extended to the present applicant. The bail was granted to Smt. Amol Kunwar solely on the ground that she was lady of 65 years and as such parity cannot be granted to this applicant, therefore, the anticipatory bail of the applicant is rejected. However, if the applicant may surrender and apply for regular bail before the concerned trial Court and if such application is filed, the concerned trial Court shall consider and decide the same as early as possible preferably on the same day.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE