

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 469 of 2016

1. Umendram, S/o. Mansai, Caste-Satnami, aged about 52 years, R/o. Village- Kohraud, Police Chowki-Lawan, Police Station – Kasdol, District-Balodabazar – Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : the Station House Officer, Police Station-City Kotwali, Balodabazar, Distt. - Balodabazar – Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

1. Apprehending arrest in connection with Crime No.59/2016 registered at Police Station- Balodabazar, District – Balodabazar-Bhatapara (C.G.), for offence punishable under Section 420 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant who was working as broker for sale and purchase of the land came in contact with Sakharam Dhruw, the complainant and he was shown a land at the place named Lahod, when he agreed to purchase the same, total amount of Rs.8,75,000/- was fixed as sale consideration. During registration while the sale deed was being executed, it is complained that the complainant was not shown the sale deed and instead the land of Lahod, land of Lavanban was scribed as sale property. During the sale, Rs.5.00 lakhs was paid to the seller. Subsequently, Rs.3,73,000/-

was collected by the applicant and Rs.2000/- was paid to Bhuneshwar and when it came to the notice in the sale deed that instead of land of Lahod, the land of Lavanban is being scribed as sale property, which is not meant for purchase, the complainant contacted the present applicant, who had negotiated the purchase and sale, however, it remained as it is, eventually the report was made and enquiry was conducted by SDO. The SDO found the fact of offence committed. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that complaint is made by Sakharam, the purchaser, who was in hold of the sale deed right from the date of purchase i.e. 2014 and the report was made in the year 2016 and the identity of the land is very well mentioned in the sale deed, therefore, no allegation of fraud can be attributed to this applicant and the sale consideration was made good to the seller. Therefore, the counsel submits that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that at the instance of the applicant, the transaction took place and instead of purchase of land of Lahod, land of Lavanban was scribed in the sale deed and on the report of the complainant, detailed enquiry was conducted by the SDO and the applicant also found to have committed the fraud, therefore, the applicant may not be extended the benefit of Section 438 of Cr.P.C.
5. Perused the case diary and the documents. The case diary shows that in the month of September, 2014 itself, a representation was made to the Collector by the purchaser and on that basis, the enquiry was

conducted by the SDO and on enquiry, it came to the fact, fraud has been committed and the role of the applicant has not been shelved. Considering such report of the SDO, dated 05.05.2015 and reading it with the statement of the complainant, Sakharam Dhruw, wherein it is stated by the complainant that Rs.3,73,000/- was also paid to the applicant, it is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as the custodial interrogation of the applicant may be required in this case.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge