

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1318 /2015

Sevakram Verma, S/o. Kejuram Verma, Aged About 55 Years, R/o. Village Mohabhatha, Tahsil Simga, Distt. Baloda Bazar - Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Nevra, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/01/2016

1. Apprehending arrest in connection with Crime No.285/2015 registered at Police Station- Nevra, District Raipur (C.G.) for the offence punishable under Section 420 of IPC, 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 story, in brief, the applicant pretending himself to be the owner of the land bearing Khasra No.45/46 admeasuring 8.608 hectare situated at village Mohbhattha entered into an agreement with Raju Nishad to purchase the land at Rs.5,21,000/- per acre and as an earnest money received an amount of Rs.6,50,000/-. Subsequently, the sale deed was not made and the applicant discovered the fact that the said land is in name of one Omprakash and others which was owned by this applicant. Therefore, the report was made.
3. Learned counsel for the applicant submits that the seller and the applicant was working as Munshi with Shailesh Agrawal who has

entered into an agreement with Raju Nishad and when the applicant demanded his remuneration from Shailesh Agrawal, he has been falsely implicated in this case; therefore, he may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the report made by Raju Nishad wherein it is stated that the applicant has received an amount of Rs.6,50,000/-. The agreement is also on record showing himself to be the owner of the land bearing Khasra No.45/46 at village Mohbhattha, therefore, taking into the facts and circumstances of the case and further considering the report and the agreement, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C is rejected.

Sd/-
(Goutam Bhaduri)
Judge