

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 901 /2016

Gopal Dadlani, S/o. Late Manik Lal Dadlani, Aged About 45 Years, R/o. Gujrati Colony Raipur Road Dhamtari, Police Station Dhamtari, Tahsil Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, S/o. Through: Police Station Arjuni, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Otwani, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/09/2016

1. Apprehending arrest in connection with Crime No.191/2016 registered at Police Station Arjuni, District Dhamtari (C.G.) for the offence punishable under Sections 420, 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, one Jairam Das made a report on 25.05.2016 that certain lands were purchased by him from the present applicant and his brother in respect of Khasra No.484 & 485/2 in the year 2006 and at that time it was not disclosed that the property in question was in dispute. Subsequently, it was revealed that Khasra No.484 was in dispute and a compromise was affected and the part of the land was handed over to the person with whom some dispute has arose and the possession was also handed over, therefore, on the false pretext the sale deed has been made.
3. Learned counsel for the applicant would submit that the sale deed was made in the year 2006, however, after 10 years the report has been made and the complainant was placed in possession of the said land and he took the possession of the land according to the

sale deed. Subsequently, since some dispute arose on the basis of the claim made by some third party, the report has been made against the present applicant; therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents and the report dated 25.05.2016. The report is for the sale of land made in the year 2006 in respect of the sale deed. Considering the facts and circumstances of the case and the fact that the allegations are documentary in nature and the report was made after 10 years, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
Judge

Ashok