

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 76 of 2017

1. B. K. Gupta S/o Sriramji Lal Gupta, Aged About 66 Years R/o 4, Part Street- 1, Choubey Colony, Raipur, District Raipur, Chhattisgarh.
2. Subhash Hardha S/o Shri B.P. Hardha Aged About 47 Years (Wrongly Mentioned Age 27 Year In Order) Permanent R/o Madhopuri, Police Station Hriday Nagar, District Mandla, Madhya Pradesh. Presently Residing At Gogaon Road No.2, New Industrial Area, Raipur, Chhattisgarh Manager, Pochi Farms Pvt.Ltd.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station : Anti- Corruption Bureau, Raipur, District Raipur, Chhattisgarh.

---- Respondent

And

MCRCA No. 107 Of 2017

- Sudhakar Saraswat S/o Shri H.N. Saraswat Aged About 50 Years Presently, R/o Prakash Kunj Colony, P.I.L, Champa, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station: Anti- Corruption Bureau, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Abhishek Sinha, Advocate.
For Respondent/State	:	Mr. UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/12/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for

grant of anticipatory bail as they apprehend their arrest in connection with Crime No.13/2016 registered at Police Station- Anti Corruption Bureau, District – Raipur(C.G.), for the offence punishable under Sections 13(1) (d) & 13(2) of the Prevention of Corruption Act (for short 'PC Act') read with Section 120B of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that applicants are private persons and they are not connected with the offence committed under the Prevention of Corruption Act. Applicant No.1 B.K. Gupta in MCRC No.76/2017 happens to be the power of attorney holder of the farmers of the respective areas, whereas applicant No.2 Subash Hardha is the Manager of Pochi Farms Private Ltd. Applicant Sudhakar Saraswat in MCRC No.107/2017 is Director of the Pochi Farm Ltd. Transactions were made on behalf of Pochi Farms with 124 farmers. Applicant Subash Hardha entered into an agreement for sale with applicant B.K. Gupta, power of attorney holders on behalf of the farmers and the possession of the lands were obtained by the Pochi Farms. At the relevant point of time, when the complaint was filed, the registration of sale-deed ,according to the agreement of sale, was pending and the registration of the sale-deeds has taken place later on. The allegation that co-accused O.P. Verma, the then Tahsildar, Saja had collaborated with the management of Pochi Farms to record the possession of Pochi Farms on lands, which were subject matter of the agreement to sell, is baseless as the provisions under CG Revenue Code, 1959 permits that the possession of person other than the land owner can be recorded in the land revenue documents. Co-accused O.P. Verma has followed the procedure or not and has passed order in accordance with law or not

has nothing to do with the present applicants. Applicants in no manner can be said to have been benefited from any of the transactions or any of the procedure followed by the Revenue Officer. None of the witnesses in this case have made any statement against the applicants. Further, there is no evidence of any conspiracy against the applicants and only for the reason that applicants were parties to the agreement to sell and that an application was moved by them for recording possession in revenue records, no criminality can be attributed to them. Hence, it is prayed that the applicants be granted anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that in this case, the aggrieved party is the State as the transaction for sale of 469.357 acre land has taken place and without registering the sale-deeds the entries were made by the main accused O.P. Verma in the revenue records for the benefit of Pochi Farms and others, and thereby loss of Rs.13,20,618/- was caused to the State, which would have been received by the State as stamp duty etc. Applicants in this case have collaborated, conspired and it was at their behest that co-accused O.P. Verma has passed the erroneous order for making entry in the revenue records. Hence, applicants are not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The statements of witnesses recorded in the investigation disclosed that various farmers had agreed to sell-out their lands to Pochi Farms and had appointed V.K. Gupta as their attorney.
7. Taking into consideration the evidence proposed to be brought against the applicants in the trial, the fact that the charge-sheet has already

been filed and that there is no further requirement of custodial interrogation of the applicants, I am of this view that applicants deserves to be enlarged on anticipatory bail. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. It is made clear that the trial Court shall not be influenced by any of the observations made in this order while deciding the case against the applicants.

Sd/-

(Rajendra Chandra Singh Samant)
Judge