

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 142 of 2017**

- Hemant Kumar Kaushal S/o Heera Singh Kaushal, Aged About 40 Years Caste Gond, Occupation Cultivator, R/o Village Padguda, Post Aatargaon, Tahsil Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Basant Dewangan, Advocate
For State:	Mr. Arvind Shukla, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****08.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicant apprehending his arrest in connection with Crime No. 328/2016 registered by the Police Station – Dongargaon, District - Rajnandgaon, whereby he has been charged for the offence punishable under Section 420/34 of the Indian Penal Code.
2. The allegation against the present Applicant is that he has entered into an agreement to sale fraudulently executed by one Chetan Rangari for a piece of Government Land.
3. Learned Counsel for the Applicant however submits that it is a case where Chetan Rangari had taken loan of Rs. 32000/- from the present Applicant and which has not been repaid by Chetan Rangari and hence as per the Ikrarnama executed between Chetan Rangari and him he has taken over possession on the land involved in the said agreement. Since, the

complainant Kishunlal was having enmity with the present Applicant against whom a recovery suit has been filed by the present Applicant for another loan amount of Rs. 45000/- given to Kishunlal. For this reason, Kishunlal has falsely implicated the present Applicant in the present case.

4. Learned Counsel for the Applicant further submits that from the said Ikrarnama entered into between the Applicant and Chetan Rangari the specification about the Government Land is not reflected, or for that matter the land which is under possession of the Applicant, there is neither any document to show that the Applicant had agreed to sell the land.
5. Learned State Counsel however opposing the Application submits that there is allegation on the present Applicant of trying to sell the Government land which is in his possession.
6. However, from the record there does not seem to be any such prima facie material by which it would reflect that the Applicant is said to have tried to sell any of the property which is under his possession. Moreover, it is reflected from the record that the present Applicant has filed a civil suit against the complainant Kishun Lal.
7. Having considered the submissions made by the Counsel for the parties and on perusal of the record, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail in favour of the Applicant has been made out.
8. Accordingly, the present MCRCA is allowed.
9. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with two sureties for the like sum to the satisfaction of the Officer arresting him. He shall abide by all the following terms and conditions:-

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

- (ii) that the accused/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/them from disclosing such facts to the Court or to any police officer;
- (iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the accused/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/-

(P. Sam Koshy)
JUDGE