

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 145 OF 2017

Ranchhod Agrawal, S/o Late Akhilanand Agrawal, aged about 47 years, R/o Agrawalpara, Aarang, Police Station & Tahsil Aarang, District Raipur (C.G.), Civil and Revenue District Raipur.

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Tumgaon, District Mahasamund (C.G.)

... Non-applicant

connected with

MISC. CRIMINAL CASE (A) NO. 184 OF 2017

Bhanupratap Kashyap, S/o Shri Sohan Lal, aged about 40 years, R/o Village- Beltukari, Thana- Tumgaon, Tahsil- Mahasamund, Civil and Revenue District Mahasamund (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Tumgaon, Civil and Revenue District Mahasamund (C.G.)

... Non-applicant

Mr. B.P. Sharma, Advocate, for the Applicant in M.Cr.C.(A) No. 145 of 2017
Mr. Sunil Sahu, Advocate, for the Applicant in M.Cr.C.(A) No. 184 of 2017
Mr. Neeraj Mehta, Panel Lawyer, for the State.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/05/2017

1. The present applications have been filed under Section 438 of CrPC for grant of anticipatory bail to the respective Applicants who are apprehending their arrest in connection with Crime No. 14 of 2017, registered at Police Station- Tumgaon, District Mahasamund, for the offence punishable under Section 420/34 of IPC.

2. Case of the prosecution against the Applicants is that they have connived together for the purpose of selling paddy and have used the land lying in the name of Ranchhod Agrawal, the Applicant in M.Cr.C.(A) No. 145 of 2017, and which is said to have been cultivated by Bhanupratap Kashyap, the Applicant in M.Cr.C.(A) No. 184 of 2017. Further case of the

prosecution is that on an enquiry it was found that a particular piece of land was in fact not cultivated for a last more than 5 years and it was found that the said land was in fact a barren land and not an agricultural land.

3. Learned Counsels for the respective Applicants heavily relied upon a document which is said to have been prepared by the Patwari, which shows that it was not a barren land but it was used for agriculture purposes and that since the said document is that of issued by the Patwari it has to be given due weightage and if it is agricultural land as per the said Patwari, the entire case of the prosecution becomes doubtful.

4. Learned Counsel for the State however opposing the anticipatory bail applications submits that it is a case where the present Applicants is said to have obtained paddy by playing fraud and for the purpose of selling that paddy they have used the land belonging to Applicant- Ranchhod Agrawal and the said land is said to have been allegedly cultivated by the other Applicant- Bhanupratap Kashyap on 50% sharing basis.

5. Taking into consideration the contents of the case diary particularly the document whereby it has been found that during the course of enquiry the said piece of land was not found to be an agricultural land and that there has not been any cultivation done for a substantial period of time, prima facie the averments made by the Counsels for the Applicants do not seem to be trustworthy and worth believing. In the facts and circumstances of the case, this Court is of the opinion that it is not a fit case for grant of anticipatory bail.

6. Accordingly, the present applications under Section 438 of CrPC are rejected.

Sd/-
(P. Sam Koshy)
Judge