

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 191 of 2017**

1. Rajendra Prasad S/o Late Ramdin Yadav, Aged About 55 Years
 2. Mohan Prasad S/o Rajendra Prasad Yadav, Aged About 30 Years
 3. Shiv Shanker, S/o Rajendra Prasad Yadav, Aged About 26 Years
- All are R/o Village Sonhat, Police Station And Tahsil Sonhat, District Korea Chhattisgarh.

-----Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Of Police Station Sonhat, District Korea Chhattisgarh.

---- Respondent

For Applicants	:	Shri Anil Gulati, Advocate.
For Respondent	:	Shri B Gopa Kumar, Deputy AG.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19/05/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.122 of 2016 registered at Police Station Sonhat, Distt. Korea, for the offence punishable under Sections 420,467,468 and 471/34 IPC.
2. The case against the applicant as per prosecution is that, the applicants particularly the applicants No.2&3 have purchased the land originally belonging to Kumbhkarn by playing fraud. It is alleged that the applicant No.1 have befooled the Husband of complainant Janki Devi by getting the property belonging to Kumbhkarn sold and registered in the name of applicants No.2&3. The applicant No.1 is the father of applicants No.2&3 and it is applicant No.1 who is said to have befooled the

Husband of complainant and got the property sold and registered in the name of his sons.

3. Learned counsel appearing for the applicant submits that the entire complaint is false. The entire transaction in respect of sale of alleged property is proper, legal and justified. He further submits that there was a legal transaction entered into between the applicants and the husband of the complainant and registered sale deed was executed on 15.06.2012. After execution of sale deed there was no complaint whatsoever by the said Kumbhkarn. It is only after the death of seller Kumbhkarn that his wife Janki Devi has now filed a complaint against the applicants. It is also submitted that for the same dispute, the complainant has instituted a Civil Suit which is pending before the competent court where the case has been registered as Civil Suit No.42-A/2016.
4. The State Counsel opposes the bail application and submits that it is a case where the applicants is said to have played fraud with the seller late Kumbhkarn in getting the property sold and purchased by them.
5. On specific query being made with regard to fraud committed by the applicants, the State counsel could not explain the alleged fraud except for the fact that some fraud is transpired. Neither is there any material in the case diary to show as to whether the seller Kumbhkarn after the sale deed being made in June, 2016, was ever aggrieved by the said transaction, or whether at any point of time he has lodged any complaint before any of the authorities in respect of alleged transaction.
6. Considering the aforesaid facts and circumstances of the case, this court is of the opinion that dispute seems to be of civil in nature and no

specific allegation with respect to fraud has been explained, this court is of the view that it is a fit case to grant anticipatory bail to the applicants.

7. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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 them from disclosing such facts to the Court or to any police officer;
3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge