

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 369 of 2017**

1. Virendra Sahu @ Dholu S/o Gopal Sahu Aged About 38 Years R/o Bazar Chowk, Uttai, Police Station Uttai, Tahsil & District (Revenue & Civil)- Durg, Chhattisgarh.
2. Yashwant Sahu S/o Shiv Prasad Sahu, Aged About 44 Years R/o V I P Nagar, Risali, Bhilai, Tahsil & District Durg, Chhattisgarh Sai Ram Property, Uttai, Police Station Uttai, Tahsil Uttai, District Durg, Chhattisgarh.
3. Rupendra Sahu S/o Rikhiram Sahu Aged About 40 Years R/o Prem Sweets Uttai, Police Station Uttai, Tahsil & District Durg, Chhattisgarh.

-----Applicants**Versus**

State of Chhattisgarh Through Station House Officer Police Station Uttai, District Durg (CG).

---- Respondent

For Applicants	:	Shri Yogesh Pandey, Advocate.
For Respondent	:	Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/05/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.132 of 2017 registered at Police Station Uttai, Distt. Durg, for the offence punishable under Sections 420,467 and 120-B/34 IPC.
2. The complainant is one Kailash Rajput. A complaint has been registered against the applicants. The allegation against the applicants is that, they have sold certain property, which, according to them, stood in the name of applicant No.3-Rupendra Sahu, to the complainant Kailash Rajput. However, on due verification it was

found that the said property sold to the complainant was in the name of one Sanjay Shrivastava and not in the name of Rupendra Sahu.

3. Learned counsel appearing for the applicants submits that it is a case where Sanjay Shrivastava was also a partner along with the present applicants and they have jointly developed the property for being sold plot-wise and that there was only an error in the number of plot which has been sold and the property still remains in the name of applicant No.3-Rupendra Sahu. According to the applicants, when the entire property was plotted, the Khasra number was supposed to be identified and fixed but inadvertently the same has not been done, and therefore, there is no mischief played or fake transaction that has been made by the applicants. It is also submitted that the applicants have also offered for refund of the entire money along with interest to the complainant.
4. The State counsel, however, opposes the application on the ground that the nature of the complaint is quite serious, inasmuch as, the applicants themselves had developed the property and got different plots identified. After development of the property by the applicants themselves if they sold the property which was infact not in the name of applicant No.3-Rupendra Sahu, but was in the name of one Sanjay Shrivastava, they should have disclosed this fact in the sale deed itself or should have intimated the complainant in this regard.
5. Thus, considering the total facts and circumstances of the case, particularly the fact that the property which was sold was not in the name of applicant No.3-Rupendra Sahu, but was in the name of one

Sanjay Shrivastava, prima facie a strong case is made out against the applicants. Accordingly, the application for grant of anticipatory bail to the applicants is rejected.

Sd/-
(P. Sam Koshy)
Judge

inder