

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1305 of 2016**

1. Govind Ram Agrawal, S/o. Shri Prahalad Rai Agrawal, Aged About 55 Years, Director Kalp Agri Farm Pvt. Ltd. R/o Sahdev Pali, Raigarh, Tehsil Raigarh Civil & Revenue District- Raigarh, Chhattisgarh
2. Sourabh Agrawal, S/o. Shri Govind Ram Agrawal, Aged About 32 Years, R/o Sahdev Pali, Raigarh, Tehsil Raigarh Civil & Revenue District -Raigarh, Chhattisgarh

----Applicants**Versus**

1. State Of Chhattisgarh, Through : State Economic Offence Wing Branch Raipur Civil & Revenue District -Raipur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Surfaraj Khan & Mr. B.D. Guru, Advocates
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/03/2017**

1. Apprehending arrest in connection with Crime No.50/2016 registered at Police Station- State Economic Offence Wing Branch, Raipur, District – Raipur (C.G.), for offence punishable under Section 420, 467, 468, 471 & 120-B of I.P.C. and Section 13 (1) (d) R/w. Section 13 (2) of Prevention of Corruption Act, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution in brief is that the applicant No.1 Govind Ram Agrawal purchased certain land bearing Kh.No.160 (1), 348/1, 185, 186, 342, 344, 139, 146, 156 and 169/9 in the year 2012-13

from six persons Bhujbal and others, whereas the applicant No.2 Sourabh Agrawal purchased the land bearing Kh.No.169/2, 349/1 from Gayatri Devi in the year 2013. The lands are situated at village-Pilwapali. It is alleged that the said sellers were not the owners of the land and by manipulation, the government land was recorded in their name. Thereby the applicants along with other persons in connivance with each other have committed the offence.

3. Learned counsel for the applicants would submit that the applicants are the bonafide purchaser, who have purchased the land for consideration and name of the sellers were recorded in respect of the land and even after fencing title nucleus from the seller as their names were recorded by the revenue officer itself, therefore, the applicants have not committed any offence. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. On specific query being made as to how the name of the sellers were recorded, the documents available as on today do not suggest that how the names were recorded. It is for the prosecution to prove the nucleus of title, if it is claimed that land was government land and on the commencement of Land Revenue Code, 1959 whose name was recorded. Considering the facts and circumstances of the case, the applicants appears to be bonafide purchaser, the custodial interrogation of the applicants may not be

required in this case. Taking into such facts, this Court is inclined to extend the benefit of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail application is 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 executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicants shall make themselves 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge