NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1320 of 2016

1. Smt. Krishna Mishra W/o Dinesh Chandra Mishra, Aged About 57 Years R/o D /125, C.S.E.B. (West), Police Station Darri, Tahsil Katghora, District Korba, Chhattisgarh.

2. Dinesh Chandra Mishra, S/o Late Chandra Pal Mishra, Aged About 58 Years R/o D / 125, C.S.E.B. (West), Police Station Darri, Tahsil Katghora, District Korba, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Darri, District Korba, Chhattisgarh.

2. Smt. Krishna Pandey, W/o Late Jugal Singh Kishore Pandey, Aged About 70 Years R/o Irrigation Colony, Darri, Tahsil Katghora, District Korba, Chhattisgarh.

3. Shashikant S/o Late Jugal Singh Kishore Pandey, Aged About 24 Years R/o Irrigation Colony, Darri, Tahsil Katghora, District Korba, Chhattisgarh.

---- Non-applicants

For Applicants: Mr. Anant Bajpai, Advocate
For State: Mr. Arvind Shukla, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy

Order On Board

18.05.2017

1. Apprehending arrest in connection with Crime No. 46/2016 registered at Police Station- Darri, District - Korba (C.G.), for offence punishable under Sections 420, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

2. The allegation against the present Applicants as per the prosecution is that the present case has been registered in compliance of the order passed by the J.M.F.C., Katghora under Section 156(3) of the Cr.P.C. directing the police authorities to register the complaint. The

allegation against the present Applicants is that they have got the property belonging to Respondents No. 2 and 3 registered in their name. The property was measuring 21 decimal whereas the actual payment was made only for 13 decimal and remaining amount has not been paid.

3. Learned Counsel for the Applicants at this juncture submits that this is a pure civil dispute between the two parties where the only issue was that the present Applicants have not paid the full amount for 21 decimal of land purchased by them. According to learned Counsel for the Applicants the entire amount has infact been paid. Yet a false complaint has been made against the present Applicants.

4. Learned State Counsel submits that the present Applicant have got the registry done for 21 decimal of land but by playing mischief and fraud the payment has been made only for 13 decimal of land.

5. Having considered the fact that the Respondents No.2 and 3 inspite of the specific notice by this Court did not enter appearance for opposing the bail application. Also, noting the fact that prima facie the dispute appears to be of civil in nature, this Court is of the opinion that the present is a fit case for grant of anticipatory bail.

6. Accordingly, the MCRCA is allowed.

7. 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/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The Applicants 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.

Sd/-

(P. Sam Koshy)
JUDGE

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