

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1067 of 2017

- Anil Chopda S/o S. N. Chopra Aged About 55 Years Occupation Proprietor - Shivam Construction R/o Vallabh Colony Ring Road Raipur Tahsil And District Raipur Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Mujgahan Raipur District Raipur Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicants	:	Mr. V.R. Tiwari, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/06/2018

1. Apprehending arrest in connection with Crime No.17/2017 registered at Police Station- Mujgahan District – Raipur(C.G.), for offence punishable under Section 420 of the Indian Penal Code (for short 'IPC'), the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The complaint is totally misconceived. Firstly the land in question was transferred to the complainant Jyoti Rathi vide registered sale-deed, but due to bonafide mistake on part of the applicant, the same land was transferred to one

Arun Sadhwani also and because of the clash of claim for mutation the FIR has been lodged. The applicant has corrected the situation by transferring another piece of land in favour of Arun Sadhwani and now the land that has been transferred to Jyoti Rathi is totally clear and there is no other claim on it. According to additional documents produced along with the applications, the position is more clear which affirm the correction made by this applicant, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, land situated in village Tekari was transferred by this applicant through a registered sale-deed after receiving full consideration. When the complainant approached for mutation, she came to know that the land was sold to some other person also, hence, after some inquiry made in this respect, a complaint was filed against this applicant and on that basis FIR has been registered against him.
6. Considering the entire material present in the case diary and also considering the development that has taken place, it is clear that the land was subsequently transferred to complainant on 3.2.2017 by way of a registered sale-deed dated 26.3.2018, a copy of which has also been filed along with this application. To correct that, the applicant had transferred some other land to the subsequent purchaser and in the same sale-deed the subsequent purchaser has given a giving up of the claim on the lands which was sold to complainant Jyoti Rathi. Hence, there appears to be a glimpse of civil nature in this case

because of which I am of this opinion that this is a fit case where applicant should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge