

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 421 of 2018**

Dasru Ram S/o Late Jailal Aged About 65 Years Caste Rajwar, Profession Agriculture, R/o Village Mendrakal, Tehsil Ambikapur, District Surguja Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Collector, Surguja Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Otvani, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.07.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 68 of 2018, registered at Outpost Manipur, Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The sale transaction made by the applicant in favour of complainant – Dhaniram in the year 2007 was only for land in two

Khasra Nos. 116/1 and 243/2. The complainant by fraud has included another Khasra No.4, the land belonging to the applicant in the sale deed, which was executed, but the mutation of the third land has not been clearly made. The proposal of the Gram Panchayat regarding mutation shows interpolation, hence, the applicant was under impression that he still owns the Khasra No.4 and he was in actual position which was alienated on 28.2.2015 to one Sumit Singh. Thereafter, the dispute has been raised by the complainant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that clearly the first sale deed of the year 2007 includes the disputed land and the mutation was also done accordingly in the revenue records. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the case against the applicant, it is alleged that the applicant sold out the disputed land of Khasra No.4 in the year 2007 to the complainant which was accordingly mutated in the revenue records and knowingly the land does not belong to the applicant he has done the resale of the same to another person Sumit Singh on 27.2.2015 in a fraudulent manner.

7. Considered the material present in the case-diary. Neither the subsequent purchaser Sumit Singh has not come forward as a complainant

nor he has been examined as a witness in this case so far. After perusing the proposal forms of the mutation proceedings, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge