

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 382 of 2018

- Sumatram Chauhan S/o Manbodhi Chauhan, Aged About 47 Years, Occupation Service (Patwari), R/o Village Bhaluchua, P.S., Tahsil Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Chowki Kharsiya, P.S. Kharsiya, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

MCRCA No. 414 of 2018

- Natthuram Sahu S/o Rajaram Sahu, Aged About 70 Years, R/o Ganj Pichhe Kharsiya, Police Station And Tahsil Kharsiya, Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kharsiya, Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Yogendra Chaturvedi, Advocate (in MCRCA 414/2018),
Mr. Manoj Kumar Jaiswal, Advocate (in MCRCA No.382/2018).

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

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

22-06-2018

1. As these two MCRCA arise out of the same crime number, i.e. Crime No.123/2018, registered at Police Chowki Kharsiya, P. S. Kharsiya, District Raigarh, Chhattisgarh for the offence under Section 420, 467, 468, 471, 120B of the IPC, they are being decided by this common order.

2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant Natthuram Sahu (applicant

in MCRCA No. 414/2018) and the complainant are relatives to each other being nephew and uncle. There is disputed ancestral property between applicant Natthuram Sahu and complainant Motilal. On the basis of the application filed by applicant Natthuram Sahu, a partition was duly ordered by the revenue authorities on 03-05-2014, which was challenged by Motilal and he has succeeded. Thereafter, subsequent partition has taken place. A dispute has been raised regarding the sale made by applicant Natthuram Sahu in the year 2005, in which this applicant has sold only his share, hence, it is a case of civil nature. No case is made out against the applicant Natthuram Sahu (applicant in MCRCA No.414/2018). Applicant Sumatram Chauhan (applicant in MCRCA No. 382/2018) has been falsely implicated and he has no role in the alleged commission of offence. He was simply Patwari at the relevant point of time. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that it is a case of fraudulently sale of joint property by one of the co-accused. According to the written complaint given by the complainant Motilal, he was never taken into confidence about the said sale, hence, it is clearly an act of fraud and cheating. Hence, no case is made out for grant of anticipatory bail.

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

6. The allegation in the complaint is this that applicant Natthuram Sahu made use of forged *Batwaranama* in connivance with applicant Sumatram Chauhan and on that basis the partition order was obtained from the concerned court. Also, the joint property is sold out by applicant Natthuram Sahu to other party in a fraudulent manner without consent of complainant Motilal. Hence, this case.

7. Considered on the entire material present in the case diary. It appears

that there are limbs of civil dispute in the case, hence, I am of this view that the applicants deserve to be benefited with grant of anticipatory bail.

8. Consequently, both these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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.

These applicants shall also abide by the following conditions :

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

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge