

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 130 of 2018

- Suresh Kumar Agrawal S/o Ramkumar Agrawal Aged About 50 Years
R/o Park Avenue Colony Dhimrapur, District Raigarh Chhattisgarh,
District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Chakradhar Nagar, District Raigarh Chhattisgarh, District : Raigarh,
Chhattisgarh

---- Respondent

MCRCA No. 450 of 2018

- Smt. Sangeeta Agrawal W/o Suresh Kumar Agrawal Aged About 45
Years R/o- Kotraroadd Raigarh Presently Resided At Park Avenue
Colony Dhimrapur, Raigarh, District- Raigarh, Chhattisgarh., District :
Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. P.S. Chakradhar Nagar,
Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh,
Chhattisgarh

---- Respondent

For Applicants	:	Mr. Amit Sharma, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.348/2015 registered at Police Station-Charkradhar Nagar, District – Raigarh(C.G.), for the offence punishable under Sections 420, 467, 468, 471/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that applicants had entered into an oral agreement with the complainant for sale of their land. Grievance of the complainant is this that these applicants have got executed the agreement by suppressing the fact that the land is not situated adjoining to the main road. Hence, only for this reason, FIR has been lodged and the offence has been registered against these applicants. In fact, it is a civil dispute to which a colour of criminality has been given. Hence, it is prayed that applicants be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the applicants have clearly made a false proposition to the complainant that their land is situated adjoining to the main road whereas the documents show that there is some government land in between main road and land belonging to these applicants. Therefore, the case is clearly made out against these applicants. Hence, their applications be rejected.
5. Heard both the parties and perused the case diary.
6. As per the case against the applicants, these applicants have entered

into an oral agreement with the complainant for sale of their property representing that their land is adjoining to the main road side, however, subsequently it was discovered to the complainant that the land is situated behind Najul land. The applicants have also obtained Rs. 7 lakh from the complainant as an advance.

7. On due consideration of the entire material available in the case diary, there appears to be a glimpse of civil nature. So far as the allegation of misrepresentation is concerned, it shall be investigated and then tried, if found to be necessary. For the present, I am of this opinion that this is a fit case where applicants should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, he shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each 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 applicants shall make herself 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha