

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1006 of 2017

Sunil Kumar S/o Late Shri Munna Mahant, Aged About 50 Years R/o
Asha Nagar, P.S. Mohan Nagar, Civil & Revenue District Durg,
Chhattisgarh ----- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Durg, Civil And Revenue District Durg, Chhattisgarh ----- **Respondent**

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2018

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.734/2017 registered at police station – Durg, District Durg (C.G.) for alleged commission of offence under Section 420, 120-B/34 of IPC.

2. Case of the prosecution is that the applicant is involved in forged document of transaction of sale and purchase of a land which is stated to be originally belong to co-accused Godawari who sold it to Praveen and thereafter Praveen is stated to have sold the land to Aditya Prakash Namdev. According to the prosecution, Godawari sold her land situated in Khasra No.34/2 to Praveen by registered sale deed dated 20th of October, 2010. Thereafter in the year 2015, Praveen sold his land by registered sale deed on 13.07.2015 to Aditya. When the new purchaser Aditya made an enquiry from the revenue office, it came to light that the land purchased under the sale deed by Aditya did not bear Khasra No.34/2 but it had a different revenue identification.

3. Learned counsel for the applicant would submit that in so far as present applicant is concerned, the only role assigned to him is that when Praveen was searching for suitable land for purchase, the applicant was one of those brokers who had suggested various land for purchase. The sale of land by Godawari was made in favour of Praveen and thereafter Praveen sold it to Aditya, the applicant was not the witness of the sale deed nor he has played

any role in the sale and purchase by forging any revenue records to facilitate sale by Godawari in favour of Praveen. Learned counsel for the applicant would also submit that it is not a case that there is no land available for sale and purchase and in fact Godawari handed over possession to Praveen who enjoyed the same until it was sold to Aditya.

4. On the other hand, learned counsel for the State opposes prayer and submits that the land which is a subject matter of sale and transaction altogether different did not bear khasra No.34/2 whereas it has been subjected to sale transaction one after the other under that revenue number and applicant was the person who was one of those brokers who had suggested the Praveen for purchasing land from Godawari.

5. Taking into consideration the submissions of learned counsel for the parties, the role alleged to be played by the applicant and there being no material in the diary to indicate that the applicant played any role in preparation of the revenue records on the basis of which sale was affected by Godawari in favour of Praveen, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

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

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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