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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2808 of 2018**

Rajiv Dutta, S/o. Sidheshwar Dutta, Aged About 39 Years, R/o. Village Dondekhurd, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Civil Lines, Raipur, District – Raipur (C.G.).

----Respondent

M.CR.C. No. 3776 of 2018

Imamuddin, S/o. Shekh Samsuddin, Aged About 28 Years, R/o- Subash Nagar Modhapara, District- Raipur, Chhattisgarh, Civil And Revenue District- Raipur.

---- Applicant

Versus

State Of Chhattisgarh Through- P.S. Civil Line Raipur, District : Raipur, Chhattisgarh.

----Respondent

M.CR.C. No. 3902 of 2018

Yuvraj Verma, S/o. Shri Kapur Ram Verma, Aged About 32 Years, R/o. Village Davri, P. S. Khairagarh, District Rajnandgaon, Chhattisgarh. Present R/o T/04, Sai Vatika, Devpuri, P. S. Tikrapara, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through – the District Magistrate, Raipur, District Raipur (C.G.)

----Respondent

AND**M.CR.C.(A) No. 669 of 2018**

Shushil Rajput @ Padmalla, S/o. P. Bhushan Rao, Aged About 29 Years, R/o. Shivanand Nagar, P.S. Khamtarai, Tehsil Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through – Police Station Civil Line, Raipur, District Raipur (C.G.)

----Respondent

For Applicants	: Mr. Surfaraj Khan, Mr. Ajay Mishra, Mr. Pragalbha Sharma, Mr. B.M. Roy, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/06/2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail applications of applicants- in MCRC No.2808 of 2018, in MCRC No.3776 of 2018 and 3902 of 2018 are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.41/2018, registered at Police Station – Civil Line, Raipur, District– Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 419, 120-B, 201, 34 of Indian Penal Code.
3. The applicant – in MCRC(A) No.669 of 2018 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.41/2018 registered at Police Station- Civil Line, Raipur, District – Raipur (C.G.), for the offence punishable under Section 420, 467, 468, 471, 120-B, 34 of Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. It is submitted that applicant – Yuvraj Vema, Rajeev Dutta and Imamuddin are in jail since 03.02.2018, 01.02.2018 respectively. It is submitted that one of the

co-accused namely Sish Kumar Nag @ Shishupal has been enlarged on anticipatory bail by this Court in M.Cr.C.(A) No.260/2018 vide order dated 04.05.2018 and these applicants are similarly placed. According to investigation made in this case, no such offence is present against this applicant to make out a case for prosecution. Therefore, it is prayed that they may be released on regular/anticipatory bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the applicant Yuvraj Verma is the main beneficiary in this case, who has received all the amount of consideration of fraudulent sale of land belonging to the complainant and the applicant Rajiv Dutta is the master mind, who has planned the forgery of the documents and impersonation through other accused persons as complainant and others, in the sale of land in question and rest of the applicants have collaborated in the commission of all the offence. Hence, none of these applicants deserve to be enlarged on regular/anticipatory bail. Therefore, the applicants be rejected.

6. I have heard the learned counsel for both the parties and perused the case diary.

7. The case of the prosecution in brief is that the complainant Mohd. Ajam Khan and others are the owners of the land situated at village – Serikhedi at Raipur. According to the prosecution case, co-accused Sish Kumar Nag @ Shishupal Nag informed the applicant Rajiv Dutta about the land in question and told him that the land is unclaimed. Rajiv Dutta got the papers of the land from the revenue department and collaborating with the applicants Sheikh Imamuddin, Chandrahas Sahu hatched the conspiracy to present some persons before the authorities to impersonate as owner and through such

impersonation, obtained Rinpustika with the help of the applicant Sushil Rajput, who also provided them with fake identity papers and PAN card of the persons, who impersonated as real owners and with the help of these fake documents, bank accounts are opened of impersonator. Later on an agreement to sale was executed by the impersonators with the applicant Yuvraj Verma, in which some advances were paid by the Yuvraj Verma. Later on Yuvraj Verma sold the said land to Jitendra Goyal and others and sale consideration of Rs.80,40,000/- which was earlier deposited in the fake bank accounts has been withdrawn by him. The complainant Ajam Khan on coming to know about this incident, filed a written complaint on that basis, FIR has been lodged and the case has been investigated.

8. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary. Under present situation, charge sheet has been filed after completion of investigation. The gravity of the offence though appears to be on the higher side, but for the reasons that all these applicants do not have any criminal antecedents and the trial of the case is likely to take considerable time, hence, no purpose would be served if the applicants are kept in detention and as the investigation is now completed there appears to be no requirement of any custodial interrogation of the applicant Shushil Rajput, hence, for this reason, I am of this view that applicants- in MCRC No.2808 of 2018, in MCRC No.3776 of 2018 and 3902 of 2018 are deserve to be enlarged on regular bail and applicant in MCRC(A) No.669 of 2018 also deserve to be enlarged on anticipatory bail.

9. Accordingly, the regular bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that applicants- in MCRC No.2808 of 2018,

in MCRC No.3776 of 2018 and in M.Cr.C. No.3902/18 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

10. Likewise, the anticipatory bail application of applicant in MCRC(A) No. 669 of 2018 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge