

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 786 of 2018

1. Pramod Kumar S/o Late Sitaram Patwa, Aged About 46 Years, R/o Village Sulsuli, P.S. Trikunda District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
2. Manoj Kumar Patwa S/o Dinesh Chandra, Aged About 47 Years, R/o Village Sulsuli, P.S. Trikunda, District Balrampur -Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
3. Rajesh Patwa S/o Devnarayan, Aged About 48 Years, R/o Village Shardapur, P.S. Trikunda, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Trikunda District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2018

1. Apprehending arrest in connection with Crime No.7/2018, registered at Police Station – Trikunda, District Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 419, 420, 467, 468, 471, 120-B of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The complainant who is presenting himself as Sukhdev is in fact Mukhdev, the brother of Sukhdev who was vendor of the land in favour of applicant No.1 and applicant No.2 and applicant No.3 were witnesses in the sale deed executed on 07-02-1991 and the land got mutated in the name of applicant No.1 in the same year. No objection was raised by any of the concerned. The vendor Sukhdev died in the year 2003 because of electrocution. In the recent development Mukhdev is leveling himself as Sukhdev and has lodged a false FIR against these applicants.

Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. The FIR has been lodged by one Sukhdev alleging that on 11-07-2017 applicant No.1 has all of a sudden dispossessed the complainant from the land in his possession. On making enquiry, the complainant came to know that applicant No.1 has fraudulently got the land registered and mutated in his name.

6. As the sale-deed was executed about 27 years back and also mutated in the same year in the name of applicant No.1, probability of the story put-forth by the complainant has to be examined by the trial Court, but in the present circumstances, I am of this opinion that this is a fit case for grant of anticipatory bail to these applicants.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge