

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1168 of 2018

- Vikram Bhatt S/o Late Chankya Bhatt Aged About 36 Years R/o Jailaxmi Complex Fafadih Raipur Tahsil And Dist Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Lines Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ankur Agrawal, Advocate.
For Respondent/State	:	Mr. Ashish Shukla, Govt. Advocate.
For Objector	:	Mr. B.M. Roy, Advocate.

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

24/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.518/2018 registered at Police Station-Civil Lines, District – Raipur(C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No offence against him is made out according to material present in the case diary. The role played by this applicant is that on 8.3.2017 he entered into agreement with Alakh Niranjana Rajak for purchase of the disputed land and for

which a false complaint has been made against this applicant and others. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present in the case diary the applicant is not entitled for grant of anticipatory bail.
4. Adopting the arguments advanced by learned counsel for the State, it has been submitted by learned counsel for objector that this applicant is a land-broker and it is he through whom the seller of land has presented forged papers before the revenue Court to get his name mutated in the land records against the disputed lands. Hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. On the basis of complaint made by Tikeshwari Vaishnav, FIR has been registered by the police in which it has been alleged that in the year 1996 the disputed land was willed in her favor by Bhagat Das. Subsequent to the death of testator, the complainant filed an application for mutation of her name in the land records and on filing of such application, she came to know that another person namely Alakh Niranjan has also filed an application for mutation of his name in respect of the land in question. Hence, the allegation has been made by the complainant that the mutation sought by co-accused Alakh Niranjan is based on the forged papers. On a subsequent date, this applicant had entered into an agreement with said Alakh Niranjan for purchase of the land in dispute. Hence, this case.
7. Considered on the entire material present in the case diary. The claim

of co-accused Alakh Niranjana is based on the sale-deed dated 5.1.1981 purported to be executed by Bharat Das, who happens to be executor of will in favor of the complainant in the year 1996.

8. After taking into consideration the entire material available in the case diary and the documents along with this record, I am of this opinion that applicant should be granted anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge