

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 192 of 2017**

1. Chowaram Verma S/o Mangluram Verma, Aged About 55 Years, R/o Club Para, Panchsheel Ward, Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh., Chhattisgarh
2. Ved Dev Verma S/o Chowaram Verma, Aged About 33 Years, R/o Club Para, Panchsheel Ward, Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Bhekhdev Verma S/o Chowaram Verma, Aged About 31 Years, R/o Club Para, Panchsheel Ward, Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Shamendra Dev Verma S/o Chowaram Verma, Aged About 29 Years, R/o Club Para, Panchsheel Ward, Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh., Chhattisgarh
2. Pushpa Devi Awasthi W/o Prakashchand Awasthi, Aged About 56 Years, R/o Appu Chowk Nayapara, in front of Office of Electricity Board, City, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicants**And****MCRCA No. 641 of 2017**

- Govardhan Rao Ingole S/o Late Shri Shankar Rao Ingole, Aged About 63 Years, Occupation Retired Revenue Inspector, R/o Imlibhata Mahasamund, Police Station, Tahsil And District Mahasamund, Chhattisgarh., Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, District- Mahasamund, Chhattisgarh., Chhattisgarh
2. Smt. Pushpa Devi Awasthi, W/o Late Shri Prakash Chand Awasthi, Aged About 56 Years, R/o Appu Chowk, Nayapara, Near Electricity Office, Raipur, District- Raipur, Chhattisgarh. , District : Raipur, Chhattisgarh

---- Non-applicants

For Applicant(s) – Shri L.C. Dash, Advocate (in MCRCA No.192/2017),
Shri Malay Kumar Bhaduri, Advocate (in MCRCA
No.641/2017)

For Non-applicant No.1/State – Shri Anupam Dubey, Deputy Govt.
Advocate.

For Non-applicant No.2/Objector – Shri Anant Bajpai, Advocate.

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

31-01-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.189/2017, they are decided by this common order.
2. Apprehending arrest in connection with Crime No.189/2017, registered at Police Station – Mahasamund, District Mahasamund, Chhattisgarh for offence punishable under Section 120(B), 420, 466, 468, 471 of the IPC, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by learned counsel for the applicants, that the applicants have been falsely implicated in this case. Applicant No.1 Chowaram Verma in MCRCA 192/2017 was duly constituted as attorney by the said land owner Chhabiram Chandrakar and in bonafide belief he has executed the sale-deed in favour of applicants No.2 to 4 in MCRCA No.192/2017. It is further submitted that the complainant has already filed a civil suit before the civil court in Mahasamund to declare the alleged sale-deed as null and void, which is pending and remaining applicants have nothing to do with the said fraud and cheating committed by the main accused person Chhabiram Chandrakar. Hence, it is prayed that they may be benefited with grant of anticipatory bail.
4. Learned counsel for the applicant in MCRCA No.641/2017 submits

that the allegation against him is this, that he has prepared incorrect map and incorrect copy of the revenue documents, whereas, the civil suit was filed of which the appeal is pending before the High Court. Hence, there is no finality with respect to the findings given respecting these documents. The applicant is a retired Revenue Inspector and aged about 63 years. Hence, it is prayed that he may be benefited with grant of anticipatory bail.

5. Learned counsel for the State/non-applicant No.1 opposes the applications and submissions made. It is submitted that no case is made out for grant of anticipatory bail to the applicants in both the cases as there is clear evidence found in the investigation that the land in question did not belong to Chhabiram Chandrakar, which has been knowingly sold out by his power of attorney holder to the purchaser and the land described in the sale-deed is non-existent. Hence, none of the applicants deserve to be benefited with grant of anticipatory bail.

6. Learned counsel for the objector after adopting argument advanced by the counsel for the State/non-applicant No.1, submits that the objector Smt. Pushpa Devi Awasthi is owner of the land bearing Khasra No.2017/1/24 measuring 5000 sq. feet situated in Clubpara, Mahasamund, which was purchased by her in the year 1993. Applicant Chowaram Verma in MCRC No.192/2017 filed a civil suit with a purpose to encroach upon the land belonging to the objector. The case was decided in favour of the objector, which was affirmed by the first appellate Court and second appeal is pending before the High Court. It was during pendency of this appeal, applicant Chowaram Verma (in MCRC No.192/2017) conspired with the other applicants and

collaborated with applicant Govardhan Rao Ingole (in MCRCA No.641/2017) and with the help of forged documents has sold out the disputed land showing it to be a land bearing Khasra No.2017/5/1 which is non-existent land. Hence, for these reasons, the applicants are not entitled for grant of anticipatory bail.

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

8. A complaint was filed by Smt. Pushpa Devi Awasthi in the Court of JMFC Mahasamund making allegation that she is owner of land bearing Khasra No.2017/1/24 by virtue of purchase dated 16-04-1993 from the vendor Bharat Lal Sahu, in the year 2002 applicant Chowaram Verma (in MCRCA No.192/2017) tried to encroach upon the land of the complainant and thereafter filed a civil suit in which the complainant had succeeded in the trial Court as well as in the first appellate Court and presently the matter is pending before the High Court. Subsequent to that the land has been sold out to applicants No.2, 3 and 4 in MCRCA No.192/2017 in the year 2013 knowingly that the dispute is pending before the Court. On the basis of the order passed by the concerned Court FIR has been registered in Police Station Mahasamund.

9. Considered on the submissions made and contents of the case diary.

10. There is a report showing that land bearing Khasra No.2017/5/1 is non-existent and no such document has been found in the investigation to show that co-accused Chhabiram Chandrakar was recorded owner of the said land. Hence, there is prima facie evidence against accused Chhabiram and applicant Chowaram Verma (in MCRCA No.192/2017) conspiring to sell out the land fraudulently and the then Revenue

Inspector Govardhan Rao Ingole (applicant in MCRCA No.641/2017) who aided the other accused persons by providing false, forged documents to facilitate the said sale made to applicants No.2, 3 and 4 in MCRCA No.192/2017. It is to be noted that applicants No.2, 3 and 4 are sons of applicant No.1 Chowaram Verma in MCRCA No.192/2017. Hence, after considering on all the material available, I am of this view that none of the applicants deserve to be benefited with grant of anticipatory bail in both the applications.

11. Consequently, the applications (MCRCA No.192/2017 and MCRCA No.641/2017) are hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge