

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 766 of 2017**

- Anil Agrawal S/o Shri Govardhan Agrawal, Aged About 38 Years R/o Station Road, Police Station And Tehsil Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Sankra, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri G.R. Miri, Advocate
For Respondent-State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/03/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 117/2013 registered at Police Station Sankra, District Mahasamund (C.G.) for the offence punishable under Sections 420, 467, 419, 471, 120 B & 468 of the I.P.C.
2. As per the prosecution case, a land which was initially recorded in the name of Koshla Bai, Widow of Dilip was manipulated and mutated in the name of Kaushalya Bai, w/o Dilip and revenue records were also corrected. Subsequently, the applicant purchased the said land for consideration and it is alleged that the applicant in connivance with the revenue officers and seller has prepared the sale deed. Thereafter, the charge-sheet was filed against the patwari and others and application was filed by the prosecution

under Section 319 Cr.P.C., wherein the applicant has been made an accused.

3. Learned counsel for the applicant would refer to the rin pustika and would submit that the rin pustika was certified by the Patwari and also by the Tehsildar and the present applicant is the bona fide purchaser and purchased the land for consideration and got it registered for an amount of Rs.7Lakhs. He would further submit that when this fact came to the knowledge that the sale deed has falsely been made, he got the sale deed canceled by filing a civil suit, wherein a decree was passed and sale deed dated 22.02.2012 was declared null and void in respect of the land situated in village Chuwali Patera, Tehsil Pithaura. He referred to the case law of **Brijendra Singh & Ors vs State Of Rajasthan {2017 (7) SCC 706}** and would submit that the applicant who could be the best witness but casually has been made an accused.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the document and the record. Rin Pustika, which is filed as Annexure A-2, which prima facie shows that it was certified by the Tehsildar, Pithaura. The decree of the trial Court passed by 6th Additional District Judge, Raipur is also perused, wherein the sale deed dated 22.02.2012 has been declared to be void. Considering the same and the facts of this case, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) that the applicant shall make himself available for

interrogation before the investigation 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/-

Goutam Bhaduri
Judge

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