

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 813 of 2017

Narayan Singh S/o Late Funnu Singh, Aged About 44 Years
Caste Gond, R/o Village Shivaji Nagar Korba, Tehsil & District
Korba Chhattisgarh., Chhattisgarh **--- Petitioner**

Versus

State of Chhattisgarh Through Police Out Post Rampur, Station
House Officer, Kotwali, Korba, District Korba Chhattisgarh.,
Chhattisgarh **--- Respondent**

For the applicant : Mr. Surfaraj Khan, Advocate.
For the State : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2018

1. Apprehending arrest in connection with Crime No. 373 of 2017 registered at Police Station City Kotwali, Korba (Police Out Post Rampur), Distt. Korba (C.G) for the offences punishable u/ss 420, 294, 506/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by Sukhlal Singh Kanwar on 11.05.2017 that he was holding a land at village Podibahar and applicant Narayan Singh by pressurising him got the sale deed executed in the name of different purchasers. Likewise certain lands were also got executed in the name of Baran Singh by pressure made by Narayan Singh and he has not received the remaining sale consideration. It is further submitted that Narayan Singh has executed

different sale deeds and obtained money.

3. Learned counsel for the applicant referred to agreement of sale and submits that an amount of Rs.41 lakhs was paid as sale consideration and the complainant who is a retired Patwari, has dealt with sale transactions of the land through out his life, therefore, it cannot be accepted that the complainant is not able to understand the transaction. He further submits that even otherwise the allegations do not constitute the offence which is arising out of a sale transaction, therefore, no criminality can be attributed to the applicant and he may be admitted to anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of complainant Sukhlal Singh. Considering the statement and the nature of allegations, it appears that out of sale transaction, an agreement was entered and the payment of amount was made and subsequently the report was made. Taking into such facts situation of the case and the nature of transaction, I am inclined to admit the applicant to anticipatory bail.
6. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer

as and when required;

- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

R a o