

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1381 of 2018

- Akash Nachrani S/o Shri Laxman Das Nachrani, Aged About 28 Years, R/o P.S.M. 05, Panchsheel Nagar, Civil Lines, Raipur, District - Raipur, Chhattisgarh. 492001, District : Raipur, Chhattisgarh

---- Appellant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station - Civil Lines, Raipur, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Malay Kumar Bhaduri, Advocate.

For Non-applicant/State – Shri Anil S. Paney, Govt. Advocate.

Smt. M. Asha, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. Apprehending arrest in connection with Crime No.610/2018, registered at Police Station – Civil Lines, Raipur, Chhattisgarh for offence punishable under Section 420/34 & 120-B of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the FIR lodged and the evidence collected in the investigation in this case. The applicant himself was a bonafide purchaser of the disputed land from one Suman Ahuja who is co-accused in this case and who has already been benefited with grant of anticipatory bail. The applicant did not have any knowledge about the dispute regarding the land in question and he has sold the land to complainant Meera Devi Tolani on 10-06-2014 for a consideration. The mutation of the land has also taken place in the official records. The dispute regarding identification of the land is present between the parties, regarding which the complainant has option to go before the Civil Court, hence, there is no question of criminality on the part of the applicant. Hence, it is

prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant was well aware that the land in question was not in his ownership and proprietorship and thus he has made fraudulent transfer to the complainant regarding which there is evidence present in the case diary. Hence, the application may be rejected.

4. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that in the proceeding before the Additional Collector Raipur in Revision case 63A/12 2008-09 by order dated 19-01-2011, it was clearly held that the land in question bearing Khasra No. 472/35 is non-existence, hence, on this basis it is clearly established that the applicant had no land to transfer. Hence, it is clearly fraudulent transfer and offence of cheating has been committed by him. Therefore, the application may be rejected.

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

6. As per the complaint made by Meera Devi Tolani, subsequent to purchase of land on 10-06-2014 when she got the land demarcated in the year 2018 she was informed that the land bearing Khasra No.472/35 is not there on the spot, whereas, the plot that was shown to her by the applicant belongs to Mahendra Singh Mali. Hence, the FIR has been lodged in this case.

7. After considering on the material present in the case diary, it appears that there is dispute regarding identification of the plot in question. The applicant himself has sold the land after making purchase of the same from Suman Ahuja, the co-accused Suman Ahuja has been granted anticipatory bail, and looking to the nature of dispute in this case, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is allowed. 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 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 him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge