

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1419 of 2016

- Satyanarayan S/o Sobhnath Aged About 46 Years Occupation Agriculture, Caste Lohar, R/o Village Baijnathpur, Sahanpur, Tahsil Batouli, District Surguja, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Batauli, District Surguja, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe and Mr. Jitendra Shrivastava,
Advocates.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

24/01/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.178/2012 registered at Police Station- Batauli, District – Surguja(C.G.), for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code (for short 'IPC') and Section 3(1),(4)(क), (5)(क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that charge-sheet has been filed, after completion of investigation and all the co-accused persons have been granted bail by the co-ordinate Bench of

this Court out of which anticipatory bail has been granted to co-accused Sanjeev Sharma, Gaya Prasad, Nishant Agrawal, Vinay Shankar Soni and Jatin Bhausar whereas the other co-accused persons have been granted regular bail. Case against this applicant cannot be singled out as different and as the charge-sheet has filed, there is no requirement of any custodial interrogation or any other investigation to be conducted with respect of this applicant. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the allegation against this applicant is with respect to the sale-deed dated 14.9.2010. The co-accused person Balgovind, who was one of the executant, has not been granted anticipatory bail because of which this applicant is not entitled for grant of anticipatory bail. It is also submitted that there is sufficient evidence against the applicant in the charge-sheet for the prosecution against him. Hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this, that applicant along with his cousin brothers Balgovind and Gaya Prasad have sold the lands bearing khasra Nos-141 & 144 total area of 5.934 hectare was sold to purchaser, who have been made accused in this case through power of attorney holder Vinay Shankar Soni. It is alleged against this applicant that the government land bearing khasra Nos.-109, 119, 145 and 93 was also sold out without their being any authority to sale and, thus, the offence of to fraud and forgery etc were committed. It has been submitted by the learned counsel for the applicant that a

correction deed was executed by the power of attorney holder Vinay Shankar Soni on 25.8.2012 by which the sale all the above mentioned government land has been canceled and this has been mentioned in the order passed by the Collector dated 26.11.2012 and regarding the other khasra numbers mentioned in the sale-deeds, the applicant and his brothers have a claim.

6. Considered on all the facts and circumstances of this case and also taking into consideration this fact that the co-accused persons have already been granted bail. For this reason, applicant also deserves to be granted anticipatory bail.
7. 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

Nisha