

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1172 of 2017**

1. Balveer Sharma S/o Shri G. R. Sharma, Aged About 56 Years, R/o House No. 825-B Street No. 7 Ashok Vihar Near Lord Ram Hanumal Temple Sector 5 Gurgaon Delhi, Delhi
2. V. P. Agrawal S/o Shri B. D. Agrawal Aged About 62 Years, R/o New Industrial Area Ring Road Goganw Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Anti Corruption Bureau, Raipur District Raipur Chhattisgarh, Chhattisgarh

----Non-applicant

For Applicants : Shri Abhishek Sinha, Advocate.
 For Non-applicant/State : Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2018**

1. Heard on out of turn on the ground that the applicant No.2 is suffering from prostate cancer and needs to be treated on urgent basis.
2. Apprehending arrest in connection with Crime No.13/2016, registered at Police Station – Anti Corruption Bureau, Raipur (C.G.) for offence punishable under Section 13(1)(d), 13(2) of the Prevention of Corruption Act read with Section 120B of the IPC, the applicants have preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant No.1 is Director of Pochi Farms Pvt. Ltd. and applicant No.2 is Managing Director of the same institution. As alleged, the allegation against them is that power of attorney holders of the Pochi Farms Pvt. Ltd. entered into agreement to sell land with different farmers and instead of registering the

sale, have directly influenced one of the co-accused persons, a government servant, to make entries in the revenue records. On the basis of the material of the prosecution case, there is no overt act committed by any of the applicants in this case. Similarly placed co-accused Sudhakar Sarswat, Director in the same Pochi Farms Pvt. Ltd. has been granted anticipatory bail by this Court in MCRCA No.107/2017 vide order dated 14-12-2017. Hence, it is prayed that the applicants are also entitled for grant of anticipatory bail.

4. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that loss of Rs.13,20,618/- was caused to the State exchequer from the act and conduct of the applicants and other co-accused persons and the applicants are the one who have benefited. Hence, for these reasons, they are not entitled for grant of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary.

6. As the case is, various farmers agreed to sell out the land to Pochi Farms Pvt. Ltd. to the attorney appointed by the Directors of Pochi Farms Pvt. Ltd., total area of land was 469.357 acres. Instead of transferring the land in favour of Pochi Farms Pvt. Ltd. by registering sale-deeds, entries were made directly in the revenue records in collaboration with co-accused O.P. Verma, the then Tahsildar of Saja, because of which the loss of stamp duty was caused to the State.

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

8. As the charge sheet has already been filed and the co-accused persons in this case have been benefited with grant of anticipatory bail,

hence, only for this reason, on the ground of parity, these applicants also deserve to be benefited with grant anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge