

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1526 of 2018

- Jagdish Lal Arora S/o Late Bodhraj Arora, Aged About 75 Years, R/o A/5, Near Panjabi Colony, Shailendra Nagar Raipur, Police Station New Rajendra Nagar Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Telibandha Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2018

1. Apprehending arrest in connection with Crime No.499/2018, registered at Police Station – Telibandha, Raipur, District Raipur, Chhattisgarh for offence punishable under Section 420/34 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. The land in dispute is joint property of this applicant along with two others. One of the co-owners Somavati had executed a will in favour of this applicant, on that basis this applicant had authority over her portion of land after her death. This applicant has in authoritative manner given consent for the exchange of land with Municipal Corporation which were from the partition share of this applicant and his mother Somavati. Hence, the allegation is totally false. It is also alleged that the complainant has already filed a civil suit and prayed for interim relief, in which, the concerned Court has refused to grant any interim relief. Hence, it is prayed that it is a civil matter, in which criminal case has been launched. The applicant is 75 years old person. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the evidence collected in the investigation, this applicant had without authority got the land of joint ownership exchanged from the Municipal Corporation and received the compensation in lieu of the land exchanged and has thus cheated the rightful claimants of the property. Hence, he is not entitled for grant of anticipatory bail.

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

5. A complaint under Section 156(3) of the Cr.P.C. was filed before the Court of JMFC. On the basis of the order passed by the Court, police has registered the FIR and the case is under investigation. It is alleged that this applicant without any authority gave consent for exchange of the land on behalf of deceased Somavati and Mohan Lal Arora and has taken benefit from it.

6. Considered on the entire material present in the case diary. According to the submission made, the land that were exchanged were not in the share of Mohan Lal Arora, whereas, the land belongs to Somavati that was exchanged, regarding that the applicant relies on the will deed executed on 20-04-1995. The complainant has also challenged the will before the civil Court, in which, so far he has not been able to get any relief. Hence, after overall consideration, I am of this opinion that this is a fit case for grant of anticipatory bail to this applicant.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge