

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 132 of 2019**

Vijay Tiwari, S/o. Shri K. P. Tiwari, Aged About 51 Years, R/o. VIP Estate, Vidhansabha Road, Infront Of Jack and Jill School, Raipur District Raipur Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : The Police Station Telibandha Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajat Agrawal, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/02/2019**

1. Apprehending arrest in connection with Crime No.618/2018, registered at Police Station – Telibandha, Raipur, District – Raipur (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The applicant had been the President of Shri Grih Nirman Sahakari Samiti Maryadit, Raipur and the society owned and possessed the plot situated in Kh.No.315/2, which was transferred to the complainant B.P. Dwivedi. Totally a false allegation has been made by the complainant. The land was lawfully acquired by the society and lawfully transferred to the complainant and only for the reason that the plot sold to the complainant has not identified, it can not be said that the sale transaction made by the society was

fraudulent transaction. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the according to the complaint filed, this applicant had played a role in getting transferred the land bearing Kh.No.315/2 to the society through impersonation of the title holders and the land shown in the sale deed of the complainant is non-existent on the spot, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR has been lodged against this applicant in which it is alleged that a sale deed dated 31.01.2008 was executed in favour of Shri Grih Nirman Sahakari Samitir Maryadit, Raipur, of which the applicant was the President, by some person who impersonated as Firat Ram, who was the real title holder. Subsequently one of the plots of the same land bearing No.315/2 has been purchased by the complainant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On perusal of the documents attached with the application it has appeared that the complainant has filed proceeding of mutation before the revenue authority and same is pending only because of the reason that some legal representative of one Firat Ram has raised objection that he is the real title holder of the land. There is no denial to the existence of land bearing Kh.No.315/2. Further it can not be said that the applicant himself was beneficiary to the sale deed made to the complainant, hence for this reason, this

Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge