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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 134 of 2019

1. Laxmikant Harlaalka S/o Hanuprasad Harlaalka, Aged About 65 Years, R/o Shristi Plaza, A-Block, 6th Floor, 609, St. Xaviour Road, Avanti Vihar, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Nikunj Harlaalka S/o Shri Ramakant Harlaalka, Aged About 34 Years, R/o Shristi Plaza, A-Block, 6th Floor, 609, St. Xaviour Road, Avanti Vihar, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

1. Firoz Khan S/o Sikandar Khan, Aged About 36 Years, R/o Ward No. 7, Lalpur Road, Bagbahara, Post, Police Station & Tahsil- Bagbahara, District - Mahasamund Chhattisgarh. Second Address: District & Session Court Mahasamund, District - Mahasamud Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant/Respondent

MCRCA No. 150 of 2019

1. Laxmikant Harlaalka S/o Haunprasad Harlaalka, Aged About 65 Years, R/o Shristi Plaza, A-Block, 6th Floor, 609, St. Xaviour Road, Avanti Vihar, Raipur, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

1. Firoz Khan S/o Sikandar Khan, Aged About 36 Years, R/o Ward No. 7, Lalpur Road, Bagbahara, Post, Police Station & Tahsil- Bagbahara, District - Mahasamund Chhattisgarh. Second Address: District & Session Court Mahasamund, District - Mahasamud Chhattisgarh, District : Mahasamund, Chhattisgarh
2. State of Chhattisgarh, Through Station House Officer, Police Station – Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicants/Respondents

MCRCA No. 160 of 2019

1. Laxmikant Harlaalka S/o Hanuprasad Harkaalka, Aged About 65 Years, R/o Shristi Plaza, A-Block, 6th Floor, 609, St. Xaviour Road, Avanti Vihar, Raipur, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Nikunj Harlaalka S/o Shri Ramakant Harlaalka, Aged About 34 Years, R/o Shristi Plaza, A-Block, 6th Floor, 609, St. Xaviour Road, Avanti Vihar, Raipur, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

1. Firoz Khan S/o Sikandar Khan, Aged About 36 Years, R/o Ward No. 7, Lalpur Road, Bagbahara, Post, Police Station & Tahsil - Bagbahara, District - Mahasamund Chhattisgarh Second Address: District &

Session Court Mahasamund, District - Mahasamund Chhattisgarh,
District : Mahasamund, Chhattisgarh

---- Non-applicant/Respondent

For Applicants – Shri Rahim Ubwani, Advocate.

For complainant/non-applicant in MCRCA No.134 of 2019 and MCRCA No.160 of 2019 and non-applicant No.1 in MCRCA No.150 of 2019 – Shri Hemant Kesharwani, Advocate.

For Non-applicant No.2/State in MCRCA No.150 of 2019 – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-07-2019

1. As in these three applications the applicants are same though complaint case numbers are different, they are being decided by this common order.
2. Apprehending arrest in connection with Complaint Case No.1206/2018, 1207/2018 and 1212/2018 pending before the Judicial Magistrate First Class Mahasamund, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120-B, 34 of the IPC, the applicants have preferred MCRCA No.134/2019, MCRCA No.150/2019 and MCRCA No.160/2019 respectively for grant of anticipatory bail.
3. It is submitted by learned counsel for the applicants in these three cases that the applicants have been falsely implicated in these cases. The applicants in all the three cases are bonafide purchaser of the land and if any suppression of facts has been made, that has been made by the co-accused persons who were vendors of the said land. The complainant in these cases is a third person who does not have any grievance from these applicants, even then he has filed the complaints against the applicants. The applicants have apprehension of arrest as the Court concerned has taken cognizance in these cases and has issued process for appearance, therefore, it is prayed that these applicants may be granted anticipatory bail in these cases.
4. Learned counsel for complainant/non-applicant in MCRCA No.134 of 2019 and MCRCA No.160 of 2019 and non-applicant No.1 in MCRCA No.150 of 2019 submits that it is a case of illegal transfer of non-transferable land that

were allotted to the vendors for agricultural purposes under a Government scheme. The applicants in these cases in connivance with the public officials have manipulated the records and have got executed the sale deed in their favour. Therefore, the applicants are not entitled for grant of anticipatory bail in all these three cases.

5. Learned counsel for non-applicant No.2/State in MCRCA No.150 of 2019 has formally opposes the application.

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

7. In MCRCA No.134 of 2019, the complaint Case is registered as Complaint Case No.1206/2018, according to which one co-accused Chana Bai has sold Khasra No.576 area 0.81 hectare to the applicants, whereas, the land was allotted to her by the Government under lease.

In MCRCA No.160 of 2019, the complaint case is registered as Complaint Case No.1212/2018, in which one Tulsi Bai has sold land bearing Khasra No.617 area 0.80 hectare to the applicants, whereas, the same was allotted to her on lease under Government scheme.

In MCRCA No.150 of 2019, the complaint case is registered as Complaint Case No.1207/2018, in which the land bearing Khasra No.615 admeasuring 0.58 hectare has been sold by co-accused Sohata Bai to the applicants, whereas, the said land was allotted to the co-accused under Government scheme.

8. After considering all the facts and circumstances of this case, it has appeared that the vendors of the said land have been arrayed as co-accused in these cases and the complainant has made himself as aggrieved party. Further, it is submitted by learned counsel for the applicants that the proceeding in one of these cases against co-accused persons has been stayed by this Court in a separate Cr.M.P. filed by them. Therefore, I feel inclined to allow all these three applications.

9. Consequently, all these three anticipatory bail applications are allowed.

It is directed that in the event of arrest of these 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 in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they 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