

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1178 of 2019**

- G.R. Chandramohan S/o Late N.G. Pillai Aged About 62 Years R/o Flat No. 124 Ayappa Nagar Supela, P.S. Supela Bhilai, District Durg CG

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Baloda Bazaar, District Baloda Bazaar Bhatapara CG

---- Respondent

For applicant	Mr. Abhishek Sharma, Adv.
For non-applicant	Mr. Vikram Dixit, GA
For objector	Mr. Ravindra Sharma, Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29-3-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 486/2014 registered in police station City Kotwali, Baloda Bajar, Distt. Baloda Bajar-Bhatapara (CG) for offence punishable under Section 419, 420, 465, 467, 468, 471, 167, 212, 217 and 120-B of IPC.
3. Prosecution story in brief is that owner of the disputed land was Spiritual Regeneration Movement Foundation of India, New Delhi. The applicant made a forged power of attorney in favour of A.K. Ratnakar regarding disputed land situated at village Pangaon, Baloda Bajar. Thereafter, A.K. Ratnakar executed a registered sale deed on 20-9-2013 in favour of some persons. Consideration was Rs. 16,50,000/-. Before execution of the registered sale deed the applicant in collusion with revenue authorities got mutated his name by committing forgery. The Registrar knowing that A.K. Ratnakar is not competent person to execute registered sale deed, bypassed the objection and registered the sale deed. Before the registration of the said sale deed, Hon'ble Delhi High Court had passed an interim order to the effect that the applicant and other persons would not alienate the property of the

society. The disputed land was sold violating that order.

4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. There are two groups in that society. Entire consideration has already been deposited in the name of Registrar General, Delhi High Court. The board of management of the society had passed the resolution to execute power of attorney regarding disputed land, the applicant had executed power of attorney as general secretary of the society in favour of A.K. Ratnakar. He prayed that the applicant may be released on bail.

5. On the other hand, the State Counsel opposed the bail application. He further submits that one more case of similar nature has been registered against him.

6. As per the photocopy of the memo dated 21-12-2012 of office of Commissioner of Industries, Government of National Territory of Delhi, which is a part of this bail application, the applicant was a member of Board of Management of the society for the year 2011 and for the year 2012.

7. As per photocopy of list of office bearers of the Board of Management of the society which is a part of this bail application, for the year 2012, the applicant was the General Secretary.

8. As per photocopy of the alleged resolution which is a part of this bail application, the society passed the resolution that regarding the disputed land a power of attorney shall be executed in favour of A.K. Ratnakar.

9. As per photocopy of the power of attorney dated 19-8-2013 which is a part of this bail application, in accordance with the said resolution the applicant as the General Secretary executed it in favour of A.K. Ratnakar.

10. As per photocopy of the lists of office bearers of the society for the year 2007-2008 to 2018-19 which are parts of the objection, the applicant was not member of the society.

11. As per photocopy of the letter dated 9-4-2015 which is a part of this bail application, entire consideration Rs. 16,50,000/- has been deposited in the name of Registrar General, Delhi High Court.

12. As per photocopy of the alleged Adhikar Patra dated 6-1-2017 which is a part of the objection of objector, the society authorized the objector Dinesh Chandra Khare regarding the land of the society situated at Chhattisgarh. This Adhikar Patra is unregistered and allegedly executed after execution of registered sale deed. It was allegedly executed by Ajay Prakash Shrivastava, General Secretary of the Society.

13. As per photocopy of the order of Delhi High Court dated 20-12-2011 which is a part of this charge sheet, the applicant and his group was barred to create any third party interest in any of the properties belonging to the society without prior permission of the Court.

14. As per aforesaid document dated 21-12-2012 and paper dated 30-4-2014 which are parts of the bail application, the Commissioner of Industries wrote that there are two groups of management of the society. Both groups are not certified under Section 19 of the Societies Registration Act.

15. Looking to the facts and circumstances of the case, looking to the fact that entire consideration has been deposited in the Hon'ble Delhi High Court, contempt proceeding is pending before Hon'ble Delhi High Court, a civil suit is also pending before the Hon'ble Delhi High Court, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 50,000/- along with one personal bond of Rs. 1,00,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in similar type of offence in future, he be released on bail.

16. CC as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge