

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 665 of 2019

- Hariram @ Deepak Kashyap, S/o Late Rajjulal Kashyap, Aged About 43 Years, Occupation Business, R/o Ward No. 28, Madhuban Road, Dayalbandh, Police-Station-City Kotwali, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Sarkanda, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

MCRCA No. 812 of 2019

- Rekha Rani Maiti, W/o Late S. N. Maiti, Aged About 63 Years, R/o Hemunagar, P.S.- Torba, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Police-Station In-Charge P.S. Sarkanda, District-Bilaspur, Chhattisgarh.

---- Respondent

&

MCRC No. 3169 of 2019

- Subir Kumar Ghosh (Wrongly Mention As Sudhir In Cause Title), S/o Late R K Ghosh, Aged About 45 Years, R/o Hemunagar Police-Station-Torba, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police-Station-Incharge, Police-Station Sarkanda, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Roshan Dubey, Advocate in MCRCA No.665/2019.

Mr. Bhupendra Singh with Ms. Soniya
Kuldeep, Advocates in MCRC(A)

For Respondent/ State : No.812/2019 & MCRC No.3169/2019.
Mr. H.S. Ahluwalia, Dy. Adv. General & Mr.
I. Lakra, Dy. Govt. Advocate.

For Objector : Mr. Achyut Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/05/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicants in M.Cr.C(A) Nos.665/2019 & 812/2019 have filed these applications seeking anticipatory bail as they apprehend their arrest in connection with Crime No.520/2018 registered at Police Station-Sarkanda, District-Bilaspur for the offence punishable under Section 420/34 Indian Penal Code (for short 'IPC').
3. Applicant Subir Kumar Ghosh has filed M.Cr.C. No.3169/2019 seeking regular bail as he has been arrested in connection with Crime No.520/2018 registered at Police Station-Sarkanda, District-Bilaspur for the offence punishable under Section 420/34 of the Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. Applicant Rekha Rani Maiti in MCRCA No.812/2019 had herself purchased landed property in question from Sarkari Karamchari Shahkari Grih Nirman Samiti, Bilaspur by way of a registered sale-deed dated 3.3.2010 and the same property has been sold by her to complainant Smt. Annapurna Sahu through sale-deed dated 20.3.2013. There had been no element of fraud or cheating in

the said transaction. The only issue is this that the complainant has not been able to trace the land sold to her because of which she is making allegation against these applicants. Applicant Subir Kumar Ghosh has been implicated only for the reason that he is related to applicant Rekha Rani Maiti. Applicant Hariram @ Deepak Kashyap has been implicated only for the reason that he had negotiated for sale of land as a broker. Both these applicants are not the direct beneficiary of any profit of sale nor the sale made to complainant is fraudulent in any respect. Hence, it is prayed that they may be released on regular/ anticipatory bail.

5. Learned State counsel opposes the bail applications and submissions made in this respect. It is submitted that part of land from khasra No.893/20, that has been sold to the complainant, has not been found in existence so far in various demarcations made, therefore, it is a clear case of fraud and cheating, hence, all the applications be rejected.
6. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the objector herself wants to make submissions as she is present in person. Objector/complainant Smt. Annapurna Sahu has stated that her grievance is not redressed till date. She has got the land demarcated twice and also raised boundary wall over the said plot twice, but later on it was found to be land of some other person, therefore, the boundary wall raised by her was demolished by said person. Therefore, her query about existence of land purchased by her is still to be answered. Hence, the applications be rejected.
7. Heard both the parties and perused the case diary.

8. As per FIR lodged, applicant Rekha Rani Maiti in MCRCA No.812/2019 sold a land to the complainant on 20.3.2013 and received consideration of Rs.5,06,000/-. As the complainant has been unable to trace the location of land sold to her, therefore, she has lodged FIR, alleging commission of offence of fraud and cheating by applicants. Hence, this case.
9. Considered on the entire material present in case diary, submissions made and documents filed along with applications. Applicant Rekha Rani Maiti had a title to pass according to purchase she has made from the Government Employees Society, however, the location of the plot sold by her is not traceable so far, which needs detailed inquiry and inspection by the Revenue Officers/Nazul Officers to find out the location of the plot sold. Therefore, on the basis of this observation, I am of this opinion, that bail applications, regular/anticipatory, of all the applicants are deserve to be allowed.
10. Accordingly, the anticipatory bail applications filed on behalf of applicants i.e. M.Cr.C. (A) No.665/19 & 812/19, are allowed and it is directed that in the event of their arrest in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety 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 them/their 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.

11. Bail application filed on behalf of applicant Subir Kumar Ghosh i.e. M.Cr.C. No.3169/2019 is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge