

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 882 of 2019**

Vijay Shukla, S/o. Shri Vaidanti Shukla, Aged About 43 Years, Caste Bramhan, Occupation Agriculture, R/o. Village Koilari, Police Station Jhilmili, Tahsil Bhaiyathan, Surajpur, District Surajpur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Jhilmili, District Surajpur Chhattisgarh.

---- Respondent

M.CR.C.(A). No. 883 of 2019

Kailash Agrawal, S/o. Fakirchand Agrawal, Aged About 47 Years, Caste-Agrawal, Occupation -Business, R/o Ketka Road, Surajpur, District Surajpur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Jhilmili, District Surajpur, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 887 of 2019**

Sant Kumar Dubey, S/o. Late Shri Chandrika Prasad Dubey, Aged About 50 Years, Caste- Bramhan, Occupation- Agriculture, R/o. Village Koilari, P. S. Jhilmili, Tahsil Bhaiyathan, Surajpur, District Surajpur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Jhilmili, District Surajpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Avinash K. Mishra, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.
For Objector	: Mr. Satish Gupta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/08/2019**

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.44/2018, registered at Police Station – Jhilmili, District – Surajpur (C.G.) for offence punishable under Section 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants regarding commission of offence as alleged. Totally false allegations have been made against these applicants. The vendor of the disputed land is one Janardan. The sale deed was executed by Janardan and thereafter, the mutation has also taken place and only for the reasons that the land has not been identified, these applicants have been falsely made accused in this case. Entry regarding lands sold to the complainant still finds mentioned in the revenue records, therefore, the complainant is required to search his property. Therefore, it is prayed that the applicants be granted anticipatory bail.
4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that the other co-accused, who has been arrested in this case has made confessional statement involving these applicants, showing that the applicants were persons, who were instrumental in the execution of sale deed in favour of the complainant. Therefore, no case is made out for grant of anticipatory bail to these applicants.
5. Counsel for the objector adopts the arguments advanced on behalf of the State and submits that the applicants have with deliberate intention knowing well that the land for which the sale was being executed does not exist, have by inducement and active

participation got the sale deed executed, which shows that they have direct involvement in this case. Hence, the application be rejected.

6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. Complainant Neeraj Agrawal has lodged FIR stating that from inducement given by Kailash Agrawal & Vijay Shukla, he visited the spot, where property was situated and after making selection, the complainant negotiated with these applicants for purchase. Thereafter, the sale deed was registered on 26.03.2014. It is stated that the applicant Sant Kumar Dubey was present at the time of registration of sale deed. It is alleged that later on, he was informed by Patwari that the land sold to the complainant are not entered in the software of the Patwari records. Therefore, the FIR has been lodged.
8. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary, it is found that the land bearing Kh. No.428/3 admeasuring 2 hectares was never recorded in the name of vendor Janardan Prasad, S/o. Fulchand. The report of the Revenue Inspector shows that some manipulation was made for the purpose of execution of sale deeds. Apart from that looking to the confessional statements of the co-accused persons U/s. 164 of Cr.P.C. alleging direct involvement of these applicants namely Vijay Shukla, Kailash Agrawal and Sant Kumar Dubey, I am of this opinion that it is not a fit case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.

9. Accordingly, all the anticipatory bail applications filed under Section 438 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram