

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 967 of 2019

Prakash Chand Sharma S/o Late Bhagwat Prasad Sharma, aged about 70 years R/o Qtr. No. 4/B, Street Avenue C, Sector-2, Bhilai, Tah. Distt. Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the District Magistrate, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Amit Kumar Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

09/08/2019

1. Heard.
2. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 507/2019 registered at police station Supela, District Durg (C.G.) for the offence punishable under Section 420 read with 34 of the Indian Penal Code.
3. As per prosecution story, one Smt. Manisha lodged a report against the Applicant alleging therein that the Applicant with malafide and dishonest intention manipulated with the entries of the registered sale deed and changed the plot number and its boundaries, and in connivance with the co-accused sold the said property to her through forged registry. The allegation against the Applicant is that he has purchased Plot No. 4 from one Aasharam and by manipulating in the

sale deed of the said plot, he changed Plot No. 4 to Plot No. 5 and subsequently sold the said plot to Mahendra Kumar.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated. The land in question was purchased by the Applicant from one Aasharam (dead) through registered sale-deed on 24/02/1981 with regard to Plot No. 5 area 2400 Sq.Ft. Subsequently, the land was sold to one Mahendra Kumar in the year 2010. The Complainant herein purchased the sand land from Mahendra Kumar. It is further submitted that vide Annexure-A-3, the plot No. 4 area 2400 Sq.ft was already sold to one G.S. Rao vide registered sale deed dated 19/11/1981 subsequent to sale of Plot No. 5 to the present Applicant. Hence, there is no question of changing the Plot No. 5 to 4 by the Applicant. The allegations are vague and does not form any criminality on the part of the Applicant. There is no inducement by the Applicant to the Complainant and there is no material available constituting any offence so alleged against the Applicant.
5. On the other hand, learned counsel appearing on behalf of the State opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicant is made out and therefore, his bail application may be rejected.
6. I have heard counsel for the parties and perused the record.
7. Taking into consideration the submission put forth on behalf of the parties, particularly considering the fact that the Applicant has purchased the land from Aasharam and subsequently, Aasharam has sold the Plot No. 4 to one G.S. Rao on 19/11/1918, without further

commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.

8. Accordingly, this bail application is allowed.
9. It is directed that in the event of arrest, the Applicant shall be released on bail on furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge