

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4628 of 2019

Kamlesh Verma, S/o. Shri Hariprem Sahdev Verma, Aged About 36 Years,
R/o. Village Bhalasur, P.S. Suhela, District Baloda Bazar Bhatapara
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Its Station House In Charge, P.S. Gol Bazar,
District Raipur Chhattisgarh.

---- Respondent

AND

M.CR.C.(A) No. 1191 of 2019

Shivkumar Baghel, S/o. Late Shri Hariprem Baghel, Aged About 61 Years,
R/o. Baghel Niwa, Tatyapara, Raipur, Tahsil and District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Its Station House In Charge, Police Station
Gol Bazar, District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sourabh Sharma, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2019

1. Since the above regular bail application and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail application of applicant in M.Cr.C. No.4628 of 2019 is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to him as he has been arrested in connection with Crime No.255/2018, registered at Police- Station Gol

Bazar, District– Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.

3. The applicant – in M.Cr.C.(A) No.1191 of 2019 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.255/2018 registered at Police Station- Gol Bazar, District – Raipur (C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. No case is made out against the applicants. In fact, the dispute between applicant - Shiv Kumar Baghel and his sisters, who are complainant is purely of civil nature. Earlier three civil suit has been filed by the sisters of the applicant – Shiv Kumar Baghel, which are pending before the trial Court. Subsequent to which, FIR was also lodged in the police station by the complainant but the police has issued notice under Section 165 of Cr.P.C. and then one complaint under Section 200 of Cr.P.C. against the applicant, which was dismissed as withdrawn. Subsequent to that application under Section 156 (3) of Cr.P.C. was filed before the Court having jurisdiction suppressing all the facts on which the Court has ordered for lodging of FIR, therefore, the FIR lodged against the applicant in both the cases is totally misconceived. Hence, for this reason, it is prayed that they may be released on regular as well as on anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that it is a case of manipulation of revenue records in which the applicant Shiv Kumar

Baghel is the person, who is benefited directly and the applicant Kamlesh Verma is the person, who has been benefited by the fraudulent purchase. Therefore, their applications be rejected.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, the complainant Laxmi Dhurandhar is the sister of the applicant – Shiv Kumar Baghel. After the death of the father of the Shiv Kumar Baghel and Laxmi Dhurandhar, the name of the complainant -Laxmi Dhurandhar and other sister were left out in the mutation proceeding and the revenue officers also collaborated with the applicant Shiv Kumar Baghel resulting in mutation in favour of the applicant – Shiv Kumar Baghel. Subsequent to which, the sale has been made from the joint family property in which the complainant has also right and entitlement. Hence, this case.
8. Perused the case diary and documents placed on record. Considering on the material present in the case diary and also perused the documents filed along with the application in M.Cr.C.(A) No.1191 of 2019, which shows the pendency of civil suit, therefore, under these circumstances, I am of this view that applicant- in M.Cr.C. No.4628 of 2019 deserve to be enlarged on regular bail and applicant in M.Cr.C. (A) No.1191 of 2019 also deserve to be enlarged on anticipatory bail.
9. Accordingly, the regular bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicant- in M.Cr.C No.4628 of 2019 shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court concerned, for his appearance as and

when directed.

10. Likewise the anticipatory bail application of applicant in M.Cr.C.(A) No.1191 of 2019 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge