

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1230 of 2019

- Siddarth Mahant S/o Amardas Mahant Aged About 45 Years Caste Panika R/o Village Hunkra, Police Station Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Dipka, District-Korba Chhattisgarh.

---- Respondent

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MCRCA No. 1231 of 2019

- Siddarth Mahant S/o Amardas Mahant Aged About 45 Years Caste Panika, R/o Village Hukara, Police Station Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Dipka, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. F.S. Khare, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/09/2019

1. As applicant in both the cases are same, hence, both these applications are being disposed of by this common order.
2. Applicant in both the cases has preferred these applications for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.135/2018 in MCRCA No.1230/2019 and Crime No.143/2018 in MCRCA No.1231/2019 registered at Police Station-Dipka, District – Korba(C.G.), for the offence punishable under Sections 420 467, 468, 471, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in these cases. It is submitted that there is no allegation against this applicant that he has received any amount and he had given any inducement to the complainants. The only statement, that he was in association with the main accused person is not sufficient to array him as an accused in this case. Total seven cases have been registered against the applicant, out of which he has been granted bail in five of the cases, therefore, the applicant be granted anticipatory bail in both the cases.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that there are numerous cases registered against this applicant and the other co-accused persons regarding the commission of offence of fraud and cheating for the reason that they have given inducement to the complainants in various cases in various manner, therefore, this applicant was direct associate of the co-accused persons, therefore, his application be rejected.
5. Heard both the parties and perused the case diary.
6. (i) In Crime No.135/2018:- Complainant Magdalena Karketta has

lodged FIR stating, that he was given inducement by Ravi Shankar Rajak and his sons, that the land which is proposed to be acquired by SECL can be purchased by the complainant and by that she will be benefited by getting employment for herself or any other person. Getting induced, the complainant made a payment of Rs.25.54 lakhs to the Shankar Rajak and his sons, subsequent to which he came to know that the purchased land was also not subject to acquisition by SECL and was not recorded in the name of the proposed seller. The allegation against this applicant to this extent, is this that he is the associate in the main accused Shankar Rajak.

(ii)In Crime No.143/2018:- Complainant Manoj Kumar Ekka has lodged FIR stating that he was given inducement by Ravi Shankar Rajak and his sons that the land which is proposed to be acquired by SECL can be purchased by the complainant and by that he will be benefited by getting employment for himself or any other person. Getting induced the complainant made a payment of Rs.21.09 lakhs to the Shankar Rajak and his sons, subsequent to which he came to know that the proposed land was not subject to acquisition by SECL and was not recorded in the name of the proposed seller. The allegation against this applicant to this extent, is this that he is the associate in the main accused Shankar Rajak.

7. Considering that there is no direct allegation that this applicant was the person, who gave inducement and received the amount from the complainants, therefore, I feel inclined to allow both the applications of this applicant.
8. Accordingly, the anticipatory bail applications of applicant is allowed and it is directed that in the event of his arrest in connection with the

above crime numbers, 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