

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1112 of 2018

1. Surendra Arora @ Surendra Batra (wrongly mentioned in order sheet as Surendra arora only) S/o Atama Ram @ Ganeshdas Batra (Wrongly mentioned in order sheet as Atmaram only), Aged About 77 Years, R/o- Paal Cloth Stores, Main Road, Korba, Thana- Kotwali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through- District Magistrate, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Hardeep Singh Rajpal S/o Late Pritam Singh Rajpal, Aged About 54 Years, Caste- Sikh, Occupation- Business & Agriculture, R/o In front of Ashok Medical, Main Road Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Kuldeep Singh Chhabara S/o Late Shri Karam Singh, Aged About 78 Years, Caste- Sikh, Occupation- Medical Stores & Agriculture, R/o Bharat Medical Stores, Saankara (Jok) District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicants

MCRCA No. 1175 of 2018

1. Surendra Batra S/o Ganesh Das Batra, Aged About 63 Years, R/o Kavi Nagar, Gajiyabad, Distt. Gajiyabad U.P., District : Ghaziabad, Uttar Pradesh

---- Applicant

Versus

1. State of Chhattisgarh Through District Magistrate, Korba Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Hardeep Singh Rajpal S/o Late Pritam Singh Rajpal, Aged About 54 Years, Caste - Sikh, Occupation- Business & Agriculture, R/o In front of Ashok Medical, Main Road Korba Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Kuldeep Singh Chhabara S/o Late Shri Karam Singh, Aged About 78 Years, Caste - Sikh, Occupation - Medical Stores & Agriculture, R/o Bharat Medical Stores, Saankara (Jok) District - Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicants

For Applicants –Shri Sanjay Patel, Advocate

For Non-applicant No.1/State – Shri Avinash K. Mishra, Panel Lawyer.

For Non-applicants 2 and 3 – None, despite service of notice upon them.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-07-2019

1. As both these MCRCA arise out of the same complaint case, i.e. Complaint Case No.658/2017, pending before the Chief Judicial Magistrate, Korba, District Korba, C.G. for offence punishable under Section 199, 205, 420

of the IPC, they are being decided by this common order.

2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid complaint case.

3. It is submitted by learned counsel for the applicants that the applicants in both the applications have been falsely implicated. Applicant Surendra Batra (applicant MCRCA No.1175 of 2018) was owner of the land in question and Surendra Arora @ Surendra Batra (applicant in MCRCA No.1112 of 2018) has no connection with the said land. A totally false complaint has been filed by Non-applicant No.2 and 3. Earlier Non-applicant No.3 had filed a civil suit against applicant Surendra Batra (applicant in MCRCA No.1175 of 2018) and others, in which the purchaser of disputed land was also a party. The said civil suit has been disposed off on the basis of compromise between the parties on 25-03-2012. Subsequent to that, after passing of more than 5 years a private complaint has been filed by Non-applicant No.2 and 3 making allegation that the sale deed that was executed in favour of Madhu Agrawal was executed by applicant Surendra Arora @ Surendra Batra by impersonating the real owner Surendra Batra. Therefore, the complaint filed is totally without substance. The order has been passed for taking cognizance in the complaint, therefore, these applicants have apprehension of being arrested. Hence, it is prayed that they may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant No.1/State opposes the applications.

5. Non-applicant No.2 and 3 who are complainants are neither present nor represented.

6. Heard learned counsel for the parties and perused the documents.

7. Complaint has been filed by non-applicant No.2 and 3 that the sale deed which is disputed by them was executed by applicant Surendra Arora by impersonating as Surendra Batra in favour of purchaser Madhu Agrawal.

Hence, this case.

8. In this case the said purchaser of land, Madhu Agrawal has not come forward to make any grievance, on the other hand, it appears from the documents filed that earlier civil suit filed by Non-applicant No.3 has terminated because of the compromise between the parties. Therefore, after over all consideration, I feel inclined to allow both these applications.

9. Consequently, both these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

10. Looking to the pendency of the complaint case before the trial Court, the applicants are also directed to give appearance before the said Court within a period of 15 days and participate in the trial against them.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge