

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1420 of 2019**

- Naresh Kumar Agrawal S/o Ved Prakash Agrawal Aged About 42 Years Occupation Business, R/o Chandani Chowk Ambikapur, Thana Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dhaurpur, Ambikapur District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Manoj Paranjpe, Shri K. Rohan, Advocates.
For Respondent/State	: Shri Amit Verma, P.L.
For Objector	: Shri C.J.K. Rao, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 38/2019 registered at Police Station Dhaurpur, Ambikapur, District – Surguja, (C.G.). for the offence punishable under Sections 420, 467, 468, 471, 120-B & 34 of Indian Penal Code.
2. As per the prosecution story, Khasra No. 239, area 2.340 hectares belongs to complainant Vivek and his brother Rahul and co-accused Ramesh Agrawal. Allegations against the present applicant is that he allegedly, tempered with the revenue records of said land as to denote a Khasra No. 239/2 out of Khasra No. 239 and has obtained a lease from the Mining Department by making fraud. It is further alleged that

the applicant has tampered with the record to extend the lease period from 10 years to 40 years. On the basis of the complaint made by Vivek Goyal, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has obtained the land with the consent of co-owner Ramesh. He further submits that complainant is also carrying the stone crushing business in the land in question. Complainant has filed the complaint against applicant only because the lease granted to the applicant has been extended to 40 years. Letter dated 25.06.2015 would clearly demonstrate that the land upon which the mining was sought to be conducted was duly and clearly demarked by the revenue authorities by imbibing physical boundaries on corners of the land after due demarcation. It is further submitted that Annexure A-2, which is a map prepared in the year 2015, Khasra No. 239/2 area 0.780 hectare is clearly mentioned and said map is duly verified and approved by Revenue Officials as well as Collector, Surguja. Looking to the above, *prima facie*, no offence can be made out against present applicant. Therefore, it is prayed that applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that lease has been granted to the applicant since 2015 and in the revenue papers, Khasra No. 239/2 area 0.780 hectare is clearly mentioned and said map is duly verified and approved by Revenue Officials, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present

Applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge