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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1548 of 2018

- Manoj Kumar Agrawal S/o Late Bajrang Lal Agrawal, Aged About 35 Years, R/o Village - Main Road Urga, Police Station Urga District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Shankar Lal Sahu S/o Negiram Sahu, Caste Teli, R/o Shivrinarayan, Post Kera Road Pul Mod, Tahsil Shivrinarayan, District Janjgir-Champa Chhattisgarh.....(Complainant), District : Janjgir-Champa, Chhattisgarh

---- Non-applicants

MCRCA No. 991 of 2018

- Ram Prasad Bandhde S/o Late Shri Khorbahara Bandhde, Aged About 65 Years, (The Then Nayak Tahsildar Shivrinarayan, Janjgir-Champa) Presently retired from the Post of Tahsildar, R/o- Indu Chawk, Jarhabhata, Bilaspur, Police Station- Civil Line, Civil and Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. Shankar Lal Sahu S/o Late Shri Negi Lal Sahu, Aged About 60 Years, R/o- Bhogahapara, Shivrinarayan, Police Station- Shivrinarayan, Civil and Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. State Of Chhattisgarh. Through- The District Magistrate, Janjgir, Civil and Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicants

For Applicant – Shri Pawan Kesharwani, Advocate (in MCRCA No.1548 of 2018),

Shri Paras Mani Shriwas, Advocate (in MCRCA No.991 of 2018).

For State – Shri Rahul Tamaskar, Panel Lawyer.

Shri Shashibhushan Tiwari, Advocate for the complainant/Non-applicant No.2 in MCRCA No.1548 of 2018 and non-applicant No.1 in MCRCA No.991 of 2018.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2019

1. As both these applications arise out of the same complaint case, they are being decided by this common order.

2. Apprehending arrest in connection with Complaint Case No.130/2016 pending before the Court of JMFC Pamgarh, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120(B), 34 of the IPC, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by learned counsel for the applicants in both the cases that the applicants are innocent and they have been falsely implicated in this case. No case is made out according to the material present in the complaint case. On behalf of applicant Manoj Kumar Agrawal (applicant in MCRCA No.1548 of 2018) it is submitted that the allegation that applicant Manoj Kumar Agrawal has made a resale of the same land which was earlier sold to complainant Shankar Lal Sahu, to one Pravin Kumar Kesharwani is in fact a civil dispute and there is dispute regarding identity of the land, because the area of the land sold to the complainant was 0.05 acre, whereas, the alleged resale shows 0.04 acre and the fact is this, that the total area in the land bearing Khasra No. 678/1 is 0.043 acres, hence, this dispute can be resolved on the civil side. On behalf of applicant Ram Prasad Bandhde (applicant in MCRCA No.991 of 2018) it is submitted that this applicant in capacity of Tahsildar simply performed his duties in getting demarcation done and he has played no role in the alleged commission of the offence. Hence, it is prayed that the applicants in both the applications may be benefited with grant of anticipatory bail.

4. Learned counsel for the State/non-applicant No.1 in MCRCA No.1548 of 2018 and non-applicant No.2 in MCRCA No.991 of 2018 formally opposes the applications.

5. Learned counsel for the complainant (non-applicant No.2 in MCRCA No.1548 of 2018 and non-applicant No.1 in MCRCA No.991 of 2018) opposes both the applications and submits that the act of applicant Manoj Kumar

Agrawal is deliberate to deprive the complainant from the land for which he is entitled and similarly, applicant Ram Prasad Bandhde has also collaborated in committing this mischief, therefore, both of them are not entitled for grant of anticipatory bail.

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

7. A complaint has been filed by the complainant that he had purchased the disputed land from father of applicant Manoj Kumar Agrawal in the year 1997, the same land has been resold by applicant Manoj Kumar Agrawal to one co-accused Pravin Kumar Kesharwani later on. The complainant came to know about this resale when the revenue officers in collaboration with applicant Manoj Kumar Agrawal fraudulently demarcated the land and reported that the land in possession of the complainant is the land of resale. Hence, this complaint.

8. Considered on the entire material present in the record of the complaint case and the argument made by the counsel for the applicants that there is dispute of identity between the land sold to the complainant and the land sold to co-accused Pravin Kumar Kesharwani, hence, after due 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. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge