

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1555 of 2018

1. Purushottam Agrawal (wrongly written as Purushoram) S/o Late Harchand Agrawal, Aged About 63 Years, Occupation- Business, R/o- Ramnath Gali, Kharsia, P.S. And Tahsil Kharsia, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station Kharsia, District- Raigarh, Chhattisgarh.

---- Respondent

MCRCA No. 1556 of 2018

1. Mahesh Agrawal, S/o Late Harchand Rai Agrawal, Aged About 66 Years, Occupation Business, R/o- Indu Chowk Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station Kharsia, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants – Shri Praveen Dhurandhar, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

01-02-2019

1. As both these MCRCA arise out of the same crime number, i.e. Crime No.466/2018, registered at Police Station Kharsia, District- Raigarh, Chhattisgarh for the offence under Section 420/34 of the IPC, they are being decided by this common order.
2. Both applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants in both applications have been falsely implicated in this case. No case is made out. Earlier the applicants have filed a civil suit in which they were plaintiffs along with others with respect to the disputed land bearing khasra No. 8/1,

area 0.80 acre, situated in Kharsia. The applicants and other plaintiffs had succeeded in the appeal and title was declared in their favour by the trial Court. On that basis names of these complainants were mutated in the revenue record showing them owner of the disputed land. The complainant had filed an application before the Tahshildar for mutating her name in revenue records after deleting the name of these applicants. The application was rejected by the Tahshildar, Kharsia. She again filed appeal before SDO Kharsia and the same was also rejected. Thereafter, on the basis of criminal petition filed before this Court, the FIR has been lodged against these applicants which is totally baseless. The fact is this that the complainant Kunti Bai herself is an encroacher upon the land of the applicants and she is making false claim of her title. Therefore, the applicants in both the cases be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the application submitted according to the contents of the complaint, no case is made out against these applicants.

5. Heard learned counsel for the parties and perused the case diary.

6. Complainant Kunti Bai has lodged the FIR making this allegation that these applicants in collaboration with the Revenue Officers have deleted the name of complainant in revenue records and got mutation order in their favour with respect to the disputed land. Hence, this case.

7. Considered on the entire material present in the case diary and also perused all the documents that have been filed along with applications and after due consideration, I feel inclined to allow both the applicants.

8. Consequently, both 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge