

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1640 of 2018

1. Aliyan Begam Wd/o Late Shamsuddin, Aged About 54 Years, R/o Bairan Bazar, Raipur, Tahsil and District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Shahbuddin S/o Late Shamsuddin, Aged About 39 Years, R/o Bairan Bazar, Raipur, Tahsil and District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Abdul Habib S/o Gulam Anwar, Aged About 45 Years, R/o Moudahapara, Raipur, Tahsil and District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh, Through The District Magistrate, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Ramcharan Sahu S/o Dasruram Sahu, Aged About 54 Years, R/o Pragati Nagar, Bajarang Temple, Mova, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

For Non-applicant No.1/State – Shri Rahim Ubwani, Panel Lawyer.

For Non-applicant No.2. – None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-02-2019

1. The applicants are apprehending arrest in connection with Criminal Complaint Case No.2783/2017, pending before the Chief Judicial Magistrate Raipur in which cognizance has been taken for trial of the applicants for offence under Section 465, 467, 468, 471/34. Hence, they have filed this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. Applicant No.1 was recorded owner of Khasra No.814 which she transferred to one Sunil Kumar Agrawal by a registered sale deed on 03-04-2001. Later on she was informed that the survey number of the plot has been renumbered as 829/1, therefore, another correction deed was also executed on 16-03-2002

and thus, there is no element of fraud in these acts. The complainant has come forward with a false claim making false allegation against these applicants. Similarly placed co-accused Sunil Kumar Agrawal has been granted anticipatory bail by this Court. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant No.1 opposes the application submitting that without there being any reason or recorded proof, the survey number of the land has been changed in the amended execution of deed which has been done with intent to defraud the complainant. Therefore, the application may be rejected.

4. Learned counsel for non-applicant No.2 though served, but he has not appeared and neither he is represented by any counsel.

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

6. The case against the applicants is briefly discussed hereinabove in the submission made on behalf of the applicants.

7. The incident is of year 2001 and 2002 and the complaint has been brought in the year 2017. The criminality in the action of the applicants may be determined in the trial against them, but, for the present, as the applicants are only required to face the trial against them and for the reason that one similarly placed co-accused has been granted anticipatory bail, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is 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