

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 27 of 2019**

1. Pooja Agrawal, W/o. Praveen Agrawal, Aged About 38 Years
2. Ruchi Agrawal, W/o. Naveen Agrawal, Aged About 35 Years,
Both R/o. Adarsh Nagar, Seetapur, Police Station and Post
Seetapur, District Surguja Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station -Seetapur, District Surguja
Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2019**

1. Apprehending arrest in connection with Crime No.35/2016, registered at Police Station – Seetapur, District – Surguja (C.G.) for offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The main allegation is against the co-accused Prakash Agrawal, who has been granted anticipatory bail by the Coordinate Bench of this Court in M.Cr.C. (A) No.1206/2016. The incident is of the year 2006 and at the stage of filing of the charge-sheet, the name of these applicants have been arrayed only for the reasons that they were the beneficiaries of the sale deed, which is alleged to be fraudulent, whereas, the complainant party

has pursued and exhausted the remedy available to them under Chhattisgarh Samaj Ke Kamjor Vargh Ke Krishi Bhumi Dharko Ka Udhhar Dene Walo Ke Bhumi Hadapane Sambandhi Kuchakro Se Paritran Tatha Mukti Adhiniyam, 1976, in which though they succeeded, but the applicants have challenged the order passed by the said authority in W.P. No.801/2016, in which this Court has pleased to grant stay in favour of these applicants, therefore, under these circumstances, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the case, a fraudulent sale deed was executed in favour of this applicants by inducement given by co-accused Prakash Agrawal and the executors of the sale deed were complainant, regarding which the complainants are regularly pursuing litigations since year 2009. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also perused all the documents that have been filed along with the application, it appears that in a similar complaint made by the complainant Savitri Bai, both the applicants have been granted anticipatory bail by this Court . This is another case initiated on the FIR lodged by the another complainant – Lalmuni, which is based on the similar facts. Further the main accused in this case Prakash Agrawal has been granted anticipatory bail, hence, under these

circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge