

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 52 of 2020

Vimal Garg @ Billu S/o Late Gopiram Garg, aged about 54 years,
Occupation: Business, R/o Behind of Ganj, Kharsiya, Thana & Tahsil-
Kharsiya, District- Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Police Thana- Kharsiya, District: Raigarh
(C.G.)

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 544/2019, registered at Police Station: Kharsiya, District-Raigarh (C.G.) for the offence punishable under Section 427, 379/34 of IPC.
2. As per the prosecution story, on 30.12.2019, complainant namely Awadhram lodged a report alleging therein that the Applicant and other co-accused persons demolished the house of Renuka Bai Patel which was situated at Village Chaple in Khasra No.532/4, 0.010 hectares. It is also alleged that Applicants and co-accused persons also stolen the door, Asbester sheet and shuter from the spot. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that Prima Facie no case can be made out against the Applicant because on 22.10.2009 Renuka Bai Patel has already sold entire land and disputed house to the wife of the present Applicant namely Renu Garg, a registered sale deed was executed for the land Khasra No.532/4, 0.030 hectare but 0.010 hectare land was acquired by the government for construction of national highway therefore only 0.020 hectare land and house was

registered in the name of the wife of the Applicant through registered sale deed and handed over the possession of the said land and house to the wife of the Applicant namely Renu Garg. As per annexure A/2 & A/3 Renu Garg sold the land to the co-accused Gaya Prasad and Bhuvneshwar on 04.11.2019 through registered sale deed. Thus, there was no possession of Renu Garg and the power of attorney holder of the said land at the time of incident therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after perusal of the document Annexure A/1 & A/2 and sale deed executed by Renu Garg in favour of co-accused persons, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant 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