

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 203 of 2020**

1. Rekha Lohani W/o Kishan Chandwani Aged About 67 Years All R/o Suman Kunj, Trilok Welding, Kelkarpara, Raipur Tahsil And District Raipur, Chhattigarh
2. Riya Lohani W/o Mukesh Kumar Lohani Aged About 44 Years All R/o Suman Kunj, Trilok Welding, Kelkarpara, Raipur Tahsil And District Raipur, Chhattigarh
3. Sunita Lohani W/o Yogesh Kumar Lohani Aged About 39 Years All R/o Suman Kunj, Trilok Welding, Kelkarpara, Raipur Tahsil And District Raipur, Chhattigarh

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S. - Golbazaar, District Raipur, chhattisgarh

---- Respondent

For Applicants	:	Mr. Devershi Thakur, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/06/2020**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.146/2019 registered at police station–Golbazar, District- Raipur (C.G.) for alleged commission of offence under Sections 420 & 34 of I.P.C.

2. Prosecution case is that the applicants purchased 955 sq. ft. of land vide registered sale deed dated 25.07.2011, whereas, Meera Devi Madhwani had no title in respect of property but she, acting in connivance with the present applicant, adversely affected the interest of complainant over the disputed property by playing fraud.

3. Learned counsel for the applicants would argue that the record against the applicants does not *per se* make out a case under Section 420 IPC and it is only an attempt to convert a civil dispute into the criminal case. He would submit that the applicants are *bona fide* purchaser and they purchased property from Meera Devi Madhwani, who is widow of Atmaram. Now other relatives of Atmaram have started disputing title of Meera Devi Madhwani on

the basis of Will deed dated 14.06.2007 said to be executed by Atmaram in favour of his son. It is also submitted that the property in dispute was purchased by the applicants.

4. On the other hand, learned counsel for the State opposes and submits that the applicants are not bona fide purchaser but they have acted in connivance with Meera Devi Madhwani to grab the property of complainant Somnath Batra. Somnath Batra is the true owner as the property in dispute was purchased by his father in an auction from the Government Authorities.

5. On prima facie consideration, it appears that the applicants are purchaser of a piece of land, sold by Meera Devi Madhwani, widow of Atmaram. In course of time, now a dispute is being raised that Meera Devi Madhwani did not have title to sell the property as the property belongs to some other person. Therefore, present is a fit case for grant of anticipatory bail. The bail application is accordingly allowed.

6. Accordingly, it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police 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 them 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi