

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 109 of 2020**

- Laxminarayan Singh S/o Shri Onkarnath Singh Aged About 47 Years R/o Shailendra Nagar, Police Station City Kotwali, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Of Police Station Tikrapara, Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Lukesh Kumar Mishra, Advocate
For State	:	Shri Rahul Jha, Govt. Adv.

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MCRCA No. 191 of 2020

- Mohd. Imamuddin Khan S/o Shri Shamsuddin Khan Aged About 36 Years R/o Santoshi Nagar, Police Station Tikrapara, Raipur, Tahsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Syed Imtiaz Ali, Advocate
For State	:	Shri Rahul Jha, Govt. Adv.
For Objector	:	Ms. Nikita Patel, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/07/2020**

Heard.

This order shall govern disposal of both the bail applications as they arise out of the same crime number. The applicants in the aforesaid two cases are apprehending their arrest in connection with Crime No.670/2019 for alleged commission of offence under Section 420, 409, 120-B, 34 of IPC.

2. Prosecution case is that Goverdhan, Mahadev and Smt. Rama had entered into agreement of sale with Laxminarayan, Mukawandas and Girijashanker in respect of huge chunk of land admeasuring 0.749 hectares for a consideration of Rs.1,53,00,000/- on 26/06/2015. It is alleged that in that case, certain power of attorneys were obtained from Goverdhan and on that basis, number of sale deeds were prepared in respect of substantial part of the property under agreement of sale. As far as applicant – Mohd. Imamuddin Khan is concerned, the allegation is that even though Goverdhan canceled the power of attorney by giving a notice to Mahadev on 02/07/2018, Mukawandas and his employee Imamuddin proceeded to execute various sale deeds and the present applicant - Imamuddin executed as many as six sale deeds in respect of the land admeasuring 28678 sq.ft. whereas under the power of attorney, he could execute sale deed in respect of 22800 sq.ft. The complainant came out with a case that he was paid Rs.45,27,000/- only and balance amount was not given to him.

3. On the other hand, learned State counsel and counsel for Objector oppose prayer for grant of bail by submitting that according to the complainant-Goverdhan, he was mislead in executing the power of attorney in favour of number of persons Imamuddin. Imamuddin was employee of Mukawandas and after agreement was executed on 26/06/2015, in which, Mukawandas was one of the signatory, he got power of attorney executed in his favour as well as in favour of his employee Imamuddin. Even though complainant – Goverdhan canceled power of attorney which was informed to Mukawandas, Mukawandas not only executed sale deed himself but Imamuddin also proceeded to execute number of sale deeds exceeding his authority under the agreement.

4. As far as applicant – Laxminarayan is concerned, learned counsel for the applicant submits that Laxminarayan is involved only because he was one of the party under agreement dated 26/06/2015. There is no allegation that Laxminarayan sold any of the properties of the complainant nor is it a case of any power of attorney to be forged by him. There is no allegation of Laxminarayan received any money from anybody and pocketing it .

5. Taking into consideration the nature and gravity of allegations, though huge property is involved and there are allegations that despite cancellation of power of attorney, Mukawandas as well as employee Imamuddin proceeded to execute various sale deeds and further that huge amount was collected and that the applicant Imamuddin executed sale deed in respect of lands exceeding the authority given under the power of attorney given to him, present is not a fit case for grant of anticipatory bail as far as Imamuddin is concerned. Taking into consideration the nature of allegations and the material on the basis of which allegations are leveled against Laxminarayan, I am inclined to grant anticipatory bail to applicant – **Laxminarayan Singh**.

6. Accordingly, the application of **Mohd. Imamuddin Khan** is rejected. Application of **Laxminarayan Singh** is allowed.

It is directed that in the event of arrest of the applicant – **Laxminarayan Singh** in connection with the aforesaid offence, he shall be released on bail on his 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 he shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge