

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1003 of 2020

Vipin Bihari Agrawal Aged About 68 Years (Wrongly Mention As Bipin Bihari Agrawal In Impugned Order), S/o Late Ram Bhajan Agrawal, R/o Village Dataan, Police Station And Tahsil Palari, District – Balodabazar-Bhatapara, Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through The Arakshi Kendra Palari, District Balodabazar - Bhatapara, Chhattisgarh
---- **Respondent**

For Applicant	:	Shri Prateek Sharma, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.
For Respondent/Objector	:	Shri Vivek Kumar Agrawal, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/03/2020

Heard.

1. The applicant has been arrested in connection with Crime No.35 of 2020 registered at Police Station- Palari, District Balodabazar (CG) for the alleged commission of offence under Section 420, 34 of IPC.
2. Case of the prosecution is that out of total land of 32.859 hecets. in respect of which paddy was offered in the procurement centre on the claim that the lands belonged to the applicant, upon enquiry by the authorities, it was found that only 7.837 hecets. were recorded in the name of the applicant and remaining 24.993 hecets. of land were recorded in the name of applicant's father and mother, who died in the year 2012 & 2013 respectively. Though these lands which were under the ownership of the applicant's parents were not mutated in the name of applicant, the applicant falsely claimed such lands to be his own lands and offered paddy cultivated over entire land for procurement and thereby cheated the State authorities.
3. Learned counsel for the applicant submits that the entire land either belonged to the applicant or to his father or to his mother. Even though, his name may not have been mutated in the revenue records under the law of succession after death of his father and mother, the applicant was entitled to

succeed to their property and it was in that capacity that he was cultivating the entire land and the agriculture produce out of this agriculture activity from these lands were offered in the paddy procurement centre. Therefore, it cannot be said to be a case of cheating to anyone. Merely because any revenue records, appropriate correction/mutation were not made because it is not a case where the applicant is alleged that without having land of the area mentioned in the procurement offered, the applicant submitted paddy which was not cultivated by him.

4. On the other hand, learned State counsel opposes the bail application and submits that when enquiry was made, it was found that major chunk of land out of 32.829 hect. belonged to applicant's parents, who died in the year 2012 & 2013. Those lands were not mutated in the name of the applicant and yet the applicant falsely claimed it to be belonging to him and the paddy cultivated in those lands were also offered by the applicant in his own name which is an act of cheating.
5. Learned counsel for the Objector submits that the entire land did not belong to the applicant and under the law after the death of applicant's father and mother, there were other relatives including the Objector, who had share in that property and the applicant cheated the authority as if he alone was the owner of the entire land.
6. I have heard learned counsel for the parties and perused the records of the case diary.
7. It appears that the land in respect of which applicant is being involved in the case either it recorded in his own name and or in the name of his father or in the name of his mother. His father and mother both died in the year 2012 & 2013. The applicant, prima facie, appears to be claiming to be owner of the entire land including that of his parents also and it is the paddy grown on this entire chunk of land which was offered for procurement before the State Agency. Whatever may be claim of other parties in the family as has been stated by the Objector, at this stage, taking into consideration the aforesaid aspect of the matter, this Court finds it present to be a fit case for grant of bail. Accordingly, the bail application is allowed.
8. It is directed that the applicant 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 concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) 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