

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 296 of 2020

1. Smt. Sangeeta Agrawal W/o Sashikant Agrawal Aged About 44 Years Resident Of New Khurseepar Bhilai District-Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, District-Durg, Chhattisgarh

---- Respondent

MCRCA No. 287 of 2020

1. Smt. Gaytari Agrawal W/o Rajnikant Agrawal Aged About 39 Years R/o New Khurseepar Bhilai District – Durg, Chhattisgarh
2. Smt. Uma Agrawal W/o Late Shri Laxmikant Agrawal Aged About 49 Years R/o New Khurseepar Bhilai District Durg Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through The District Magistrate, District - Durg, Chhattisgarh

---- Respondent

For Applicants	Mr. Avinash Chand Sahu, Advocate
For Respondent /State	Mr. Ravish Verma, Dy. Advocate General
For Objector	Mr. Ashutosh Mishra & Mr. Ishan Verma, Advocates

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

10/8/2020

1. Since both the applications arising out of same crime number i.e. Cr.No.167/2019 they are being considered and decided by this common order.
2. The applicants have preferred these applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.167/2019 registered at Police Station Kumhari, District Durg for offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. As per the prosecution case the complainant namely; Dinesh Kumar Verma and his brothers contacted the land broker Bal Kishr Barwa and his wife Kavita Barwa @ Kavita Baghel for purchase of land situated at village Parsada, Tahsil Patan, District Durg in the name of applicants Sangeeta Agrawal & Uma Agrawal. For the said transaction they entered into an oral agreement for a sale consideration to the tune of Rs.1,35,00,000/-. It is alleged that an amount of Rs.5,00,000/- was paid to the broker and an amount of Rs.41,61,000/- was paid through cheque & cash to the land holders, however, subsequently they became aware that the applicants have sold the land to Mahaveer Techno Enterprises through Partner Pushkar Agrawal.
4. Learned counsel appearing for the State, *per contra*, would oppose the bail applications on submission that the husband of the applicant Sangeeta Agrawal namely; Sashikant Agrawal is notorious for such illegal transaction and has been arrested by the police and the applicants were also aware that the land does not belong to them yet received the amount from the complainant.
5. On going through the papers annexed with the bail application, it is evident that the present three applicants have been extended the benefit of Section 438 of the Cr.P.C. in similar nature of crime by the coordinate Bench of this Court vide order dated 2-8-2019

passed in MCRCa No.1024 of 2019 (*Shashikant Agrawal & 3 others v State of Chhattisgarh*). The allegations appear mainly against accused Shashikant Agrawal, therefore, considering the fact the applicants are ladies, aged about 44 years, 39 years & 49 years, respectively and also considering the fact that in the similar nature of crime they have already been released on anticipatory bail, this Court is inclined to release the applicants on anticipatory bail.

6. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (a) they shall make themselves available for interrogation by a police officer as and when required;
- (b) 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 him from disclosing such facts to the Court or to any police officer; and
- (c) they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri