

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 366 of 2020

1. Smt. Durga Netam W/o Shri Santram Netam, Aged About 38 Years Caste Gond, Occupation Service, R/o Village Singarbhat, Post, Tahsil And District Kanker Chhattisgarh

---- Petitioner

Versus

1. Jagotin, Wd/o Late Patiram, Aged About 50 Years Caste - Gond, Occupation Agriculturist, R/o Village Singarbhat, Post, Tahsil And District Kanker Chhattisgarh. (Complainant)
2. State Of Chhattisgarh, Through The District Magistrate, Kanker, Tahsil And District Kanker Chhattisgarh.

---- Respondent

MCRCA No. 353 of 2020

1. Lallu Jain S/o Shri Tijau Jain Aged About 60 Years Caste Kalar, R/o Village Pandarvahi, Tahsil And District North Bastar, Kanker Chhattisgarh

---- Applicant

Versus

1. Jagotin, Wd/o Late Patiram, Aged About 50 Years Caste - Gond, Occupation Agriculturist, R/o Village Singarbhat, Post, Tahsil And District Kanker Chhattisgarh.
2. State Of Chhattisgarh, Through The District Magistrate, Kanker, Tahsil And District Kanker Chhattisgarh

---- Respondent

For Applicants	Mr. Saurabh Sharma, Advocate
For Respondent /State	Mr. Gagan Tiwari, Dy. Govt. Advocate
For Objector	Mr. Ankul Biswas, Advocate

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

25/6/2020

1. Since both the applications are arising out of same private complaint case i.e. complaint case No.1/2020 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 complaint case No.1/2020, which has been registered pursuant to the order of Chief Judicial Magistrate, North Bastar, Kanker, for offence punishable under Sections 420, 468, 471 and 120-B of the Indian Penal Code.
3. The complainant executed a sale deed in respect of the subject land in favour of the applicant Smt. Durga Netam on 8-9-2016. In the private complaint filed by the complainant she has alleged that the applicants have falsely stated that her land has been acquired for National Highway and she would get some compensation. On such pretext she was taken to the office of the Sub Registrar and the sale deed was got executed. She filed the present private complaint on 26-5-2017 and thereafter filed civil suit on 21-6-2017 for declaration that the sale deed is null and void.
4. Shri Ankul Biswas, learned counsel appearing for the objector would firstly argue that the amount of consideration of Rs.4.5 lacs has not been paid to the complainant. However, when Shri Saurabh Sharma, learned counsel for the applicant agreed that the applicant Smt. Durga Netam is ready to make payment of the amount for the reason that the cheque earlier issued in favour of the seller as is mentioned in the sale deed has not been presented for encashment, learned counsel for the objector would state that the complainant has not sold the land, therefore, there is no question of acceptance of the amount of consideration.
5. Considering the entire facts situation of the case as also for the reason that the concerned Police enquired the matter and submitted a report, which has been filed at page 72 of the bail application,

without proposing any action against the applicants and the private complaint has been filed after about 8 months of execution of sale deed, 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.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri