

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 891 of 2020

1. Devraj Yadav, S/o Late Bandhu Yadav Aged About 85 Years
2. Rampyare Yadav S/o Devraj Yadav Aged About 57 Years

Both are R/o Village Raanta, Police Station And Tehsil
Lundra, District Surguja Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through The Station House Officer
Police Station Lundra District Surguja Chhattisgarh

---- Respondent

For Applicants	Mr. Sumit Singh Rathore & Mr. Rahul Agrawal, Advocates
For Respondent /State	Mr. Sameer Uraon, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board18/11/2020

1. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.27/2020, registered at Police Station Lundra, District Sarguja, for offence punishable under Sections 120-B, 420, 467 & 468 of the Indian Penal Code.
2. Complainant Dashraj is the real brother of the applicant No.1 – Devraj Yadav, an octogenarian. In this way, the applicant No.2 – Rampyare Yadav, happens to be the nephew of the

complainant. In a civil dispute between Devraj & Dashraj a compromise decree was passed in the Court of 1st Additional District Judge, Ambikapur, on 1-9-1998 in civil appeal No.11-A/96 distributing the suit lands amongst the parties. In the present complaint Dashraj would allege that the applicant No.1 continues to maintain his name in the revenue record contrary to the decree and later on part of the land, which had fallen in his share, has been transferred in the name of the applicant No.2.

3. Learned counsel appearing for the applicants would submit that a dispute purely of civil nature has been given colour of an offence. According to him, it was for the complainant to have taken steps for recording his name in the revenue record on the basis of the compromise decree. If he has failed to take steps the blame cannot be fastened on the applicants.
4. *Per contra*, learned counsel appearing for the State would oppose the bail application. According to him, the applicant No.1 has falsely disposed of the property belonging to complainant Dashraj, in the name of his son, applicant No.2.
5. Considering the fact that the dispute originates from a compromise deed between the parties and for the fact that the applicant No.1 is an octogenarian and also considering the fact that the offences are triable by the Judicial Magistrate First Class, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is 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:-

- they shall make themselves available for interrogation by a police officer as and when required;
- 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.
- they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri