

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No.7558 of 2020**

Basant Nayak S/o Prem Singh Banjara Aged About 25 Years R/o Village Amera, Thana Komakhan, Tahsil Bagbahara, District Mahasamund Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh Through The Police Station Komakhan, District Mahasamund, Chhattisgarh.

--- Respondents

**And**

**MCRC No. 6834 of 2020**

Savita Banjara W/o Prem Singh Banjara Aged About 45 Years R/o Village Amora, Thana Komakhan, District Mahasamund, Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh Through The Police Station House Officer Thana Komakhan, District Mahasamund, Chhattisgarh.

--- Respondents

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| For Applicants       | : Mr. Deepak Jain, Advocate. |
| For Respondent-state | : Mr. Ashish Tiwari, GA.     |

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**Hon'ble Shri Parth Prateem Sahu, J**  
**Order on Board**

**15/12/2020**

1. As both the above bail applications arise out of same crime number, they are heard and decided together by this common order.
2. Applicants have preferred these applications under Section 439 of Cr.P.C for grant of regular bail as they have been arrested in connection with Crime No.169/2020, registered at Police Station –Komakhan, District Mahasamund, (C.G), for the offence under Section 420/34 of the Indian Penal Code, 1860.

3. Case of the prosecution, in-brief, is that applicant/Savita Banjara entered into an agreement to sell of agriculture land measuring 1.7 hectares recorded in her name in village -Amora, PH. No.45 with complainant. Similarly, applicant/Basant Nayak also entered into agreement to sell of land recorded in his name measuring 1.63 hectares in village -Amora. But even after lapse of long time, both applicants have not executed sale deed in favour of complainant, accepted heavy amount, hence, complaint has been made before the concerned Police Station based upon which crime was registered against both applicants.
4. Learned counsel for the applicants submits that complainant himself could not able to get sale deed executed in his favour within the reasonable time. Complainant has not entered into agreement of purchase of land for his own, but he is a person, who deals in purchase and sale of land, hence, he got one power-of-attorney executed in his name from applicants authorising him to sell the land, subject matter of agreement to sell to other persons. The execution of sale deed could not take place only because of interim restraining order passed by the Tahsildar on an application filed by one Premi Bai, who is sister of Prem Singh (husband of applicant/Savita Banjara & father of applicant/Basant Nayak). Dispute is purely of a civil nature, there is no material collected by the prosecution showing commission of crime of a nature alleged against them. Hence, applicants may be released on bail.
5. Learned State counsel opposes the submissions made by learned counsel for the applicants and submits that present applicants have entered into two separate agreements on 23.08.2018, but even after lapse of about 2 years, they have not executed the sale deed till date. As per complaint, complainant has also alleged that both applicants are having an outstanding loan amount in their name which the applicants have deposited in the concerned Bank, but even then sale deed has not been executed.

6. At this stage, learned counsel for the applicants submits that there is no material to show that on the date of execution of sale agreement any loan amount is outstanding in the name of the present applicants. Even otherwise, applicants are agriculturists and they used to obtain loan for purchase of manure etc. for agriculture purpose.
7. Heard learned counsel for both the parties.
8. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against applicants ie with regard to sale of agriculture land by entering into agreement with complainant, there is no material to show that land for which agreement to sell has been executed is not recorded in name of the applicants, power-of-attorney has been executed by applicants in favour of complainant, I am inclined to allow the bail applications of applicants.
9. Accordingly, bail applications are allowed. It is directed that the applicants shall be released on regular bail on their furnishing bail bond in the sum of Rs.10,000/- each one with surety in the like sum to the satisfaction of the Court on the conditions that :-
  - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
  - b) They shall not, in any manner, tamper with the prosecution witnesses.
  - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

**Sd/-**

**(Parth Prateem Sahu)**  
Judge

Jamal/-