

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7172 of 2020**

- Rajkumar Dhidhi S/o Sukhram Dhidhi Aged About 49 Years R/o House No. 208, Near Gurughasidas Temple Dumartarai, Police Station Manacamp, Tahsil And District Raipur, Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House officer, Police Station Komakhan, District Mahasamund Chhattisgarh ---- **Respondent**

MCRC No. 7419 of 2020

- Rajendra Banjare, S/o Baisakhram Banjare Aged About 42 Years R/o Village Boriyakala, House No. 12, Police Station Tehsil And District Raipur Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House officer, Police Station Komakhan , District Mahasamund Chhattisgarh ---- **Respondent**

MCRC No. 7799 of 2020

- Chandrabhagat Agnihotri, S/o Budhram Agnihotri, Aged About 45 Years R/o Village Kundel, Police Station Fingeshwar, Tahsil Rajim, District Gariyaband Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh, Through - Station House officer, Police Station Komakhan, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh ---- **Respondent**

For Applicants	: Ms Smita Jha, Shri Sachin Nidhi and Shri Syed Imtiaz Ali, Advocates
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.12.2020**

1. Applicants in cases MCRC-7172, 7419 and 7799 of 2020 have preferred application under Section 439 CrPC for grant of regular bail as they are arrested in connection with Crime No.169 of 2020 registered at Police Station Komakhan, District Mahasamund, Chhattisgarh for the offence punishable under Section 420 read with 34 of IPC.
2. Case of the prosecution in brief is that the present applicants in connivance with Savita Banjara, Prem Singh and Basant Kumar Banjara with

an intent to grab the money have entered into the agreement for sale of agriculture land situated at village Amera, Tahsil Baghbahra, District Mahasamund and have also accepted the advance amount. The complainant has paid total amount of Rs.23,53,200/- as advance for execution of sale deed of agriculture land measuring 1.7 hectors recorded in the name of Savita Banjara, 1.51 hectors in the name of Prem Singh Banjara and 1.63 hectors in name of Basant Kumar Banjara. As per the sale agreement, the sale deed was to be executed by the owner of land within a period of 8 months from the date of its execution ie on 23.08.2018, but till date, even after lapse of more than two years, the owner of the land Savita Banjara, Prem Singh Banjara and Basant Kumar Banjara have not executed the sale deed.

3. Learned counsel for the applicants submit that the applicants have been shown to be the brokers engaged themselves in introducing the persons interested for purchase of land to the sellers, who are interested to sell immovable property. They introduced the complainant with Savita Banjara and Prem Singh Banjara, who have expressed their interest that they wanted to sale their agriculture land situated at village Amera, Tahsil Baghbahra, District Mahasamund.

4. The complainant has entered into an agreement on 23.08.2018 and gave advance through cheques, in the name of seller, Savita Banjara Prem Singh Banjara (husband of Savita Banjara and father of Basant Kumar Banjara) and Basant Kumar Banjara. No amount has been paid to the applicants by the purchaser and they have not committed any offence. The liability to execute the sale deed is upon the seller in favour

of complainant (purchaser), who entered into the agreement. Applicants were falsely implicated in the case as accused only because they introduced the complainant with the seller of land. Rajendra Banjare and Chandrabhagat Agnihotri have signed the agreement deed as witness.

5. Learned counsel for the State submits that there is a specific allegation in the complaint made by the complainant that the applicants herein are instrumental to the alleged offence committed by the seller of the land. He further submits that as per the complaint levelled against the applicants by the complainant, it is these three applicants, who introduced the complainant with Savita Banjara, Prem Singh Banjara and Basant Kumar Banjara. The applicants herein are also involved in the offence, hence the bail application should be dismissed.

6. Heard learned counsel for the respective parties. The only allegation against the applicants, namely, Rajkumar Dhidhi, Rajendra Banjare and Chandrabhagat Agnihotri is that they have introduced the complainant with Savita Banjara, Prem Singh Banjara and Basant Kumar Banjara, who are said to be owner of land but for one or the other reason, the sale deed could not be executed within the time prescribed in the agreement. The documents placed on record as Annexure A2, which is statement of Bank Account of the complainant, wherein, the amount has shown to be transferred in the name of Savita Banjara, Prem Singh Banjara and Basant Kumar Banjara. There is no allegation against these applicants that the complainant has paid any amount to them with regard to the purchase of land.

7. Considering the fact that the applicants have been shown to be brokers of land and they have introduced the complainant with Savita Banjara, Prem Singh Banjara and Basant Banjara, owner of the agriculture land, mentioned in the agreement for sale. Rajendra Banjare and Chandrabhagat Agnihotri have signed the agreement of sale. There is no allegation with regard to the execution of the agreement by impersonating the original owner nor there is any material in Case-diary to show that any part of the amount as alleged has been given to the applicants herein or transferred in their account. Taking into consideration the fact that the applicant - Rajkumar Dhidhi to be arrested on 30.08.2020, Rajendra Banjare and Chandrabhagat Agnihotri to be arrested on 31.08.2020, the investigation has been completed and charge-sheet is filed, without commenting anything upon merits of case, I find it appropriate to enlarge the applicants on bail.

8. Accordingly, bail applications filed by **Rajkumar Dhidhi, Rajendra Banjare and Chandrabhagat Agnihotri** are allowed. It is directed that on applicants' furnishing personal bond in the sum of Rs.10,000/- (Rupees ten thousand) each with one surety in the like sum to the satisfaction of the Court below concerned, they be released on bail for appearance before the Court below as and when directed on all the dates of hearing.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE