

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1665 of 2019

1. Pradeep Thakur S/o Vijay Shankar Thakur Aged About 39 Years Resident of Sarbhoka, P.S. Patna, District Korea Chhattisgarh.
2. Tejbali S/o Seetaram Aged About 39 Years Resident of Badriya, P.S. Patna, District Korea Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sonhat District Korea Chhattisgarh

---- Respondent

For Applicants	: Mr. Kaushal Yadav, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 118/2019, registered at Police Station Sonhat, Distt. Korea (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. As per prosecution story, on 23.08.2019, complainant Rajman Bai lodged a report against the applicants in concerned police station alleging therein that she is a widow lady, having one daughter and she is the owner of 8 acers of land. Allegedly, on 22.07.2016, applicant no. 1 who is a relative of the complainant taken her and her daughter to the Registry office by saying that there was a hearing of some case. Thereafter, fraudulently he transferred 8 acers of complainant's land in the name of applicant No. 2. and him.

Thereafter, applicant no. 1 tried to sale the said land to someone and when the purchaser got enquired about the said land then the complainant came to know about the background of the case. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Though the complainant was the owner of said land but she has duly executed registered sale deed in favour of the applicants after obtaining full consideration amount in front of two witnesses those are advocates, therefore, no case can be made out against the applicants. If the complainant has any grievance, she should file a civil suit. The counsel finally submits that the applicants are the reputed person of their society, they are permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the complainant has duly executed registered sale deed in favour of the applicants after obtaining full consideration amount in front of two witnesses those are advocates. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the

sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge