HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1889 of 2019

1. Smt. Mehatrin Bai Alias Khemin Bai, D/o Late Yashwant Lal, W/o Late Kumar Chandrakar Alias Moti Ram Chandrakar Aged About 70 Years R/o Village Belsonda Mahasamund Tehsil And District Mahasamund Chhattisgarh.
2. Anup Kumar S/o Late Jai Lal Chandrakar Aged About 54 Years R/o Village Chura District Gariyaband Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Out Post Padmanabhpur, Police Station City Kotwali, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants : Mr. BP Singh, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/02/2020

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. 677/2019, registered at Police Outpost Padmanabhpur Police Station City Kotwali Durg, Distt. Durg Chhattisgarh for the offence punishable under Sections 420, 406 r/w Section 34 of the IPC.

2. As per prosecution story, complainant Shaurya Renke filed a complaint under Section 156(3) of Cr.P.C. against the applicants and other co-accused persons alleging therein that a land in dispute belongs to him and there was civil suit pending before the Civil Court, Durg(C.G.) in this regard. Allegedly, during pendency of civil suit, concealing this fact, the applicants and other co-accused persons sold the said disputed land, thereby, they have committed a

crime in question. As directed by learned concerned Judicial Magistrate, the Police has registered the offence.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present. He further submits that prima facie no case can be made out against the applicants, virtually in their civil suit, one Bhisham Singh Chandrakar was the power of attorney holder, he was the only person who contested the civil suit, the applicants had no such information that the civil suit was pending before the Civil Court, Durg (C.G.), the applicants have not concealed this fact, therefore, no case can be made out against the applicants. The Counsel finally submits that the applicants are the reputed persons of their society, they are the 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 both the parties and perused the case diary minutely.

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 applicants had no such information that the civil suit was pending before the Civil Court, Durg (C.G.). 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. 20,000/- 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 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

Shubham