

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 151 of 2020**

Bhavsingh Diwan, S/o Shri Tularam Diwan, aged about 40 years, residence of village – Jampali, P.S. and Tahsil Pithaura, District – Mahasamund (C.G.)

(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Pithaura, District – Mahasamund (C.G.)

----Non-applicant**M.Cr.C. No. 8130 of 2019**

Anand Agrawal, S/o Late Ramkumar Agrawal, aged about 43 years, residence of Ward No. 6 Mandir Chowk, Pithaura, P.S. and Tahsil Pithaura, District – Mahasamund (C.G.)

(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Pithaura, District – Mahasamund (C.G.)

----Non-applicant**M.Cr.C. No. 7953 of 2019**

Tejram, aged about 40 years, son of Narayan Singh Diwan, resident of Saraipali (Kohokoda), Police Station and Tehsil Pithora, District Mahasamund, (C.G.)

(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Pithaura, District – Mahasamund (C.G.)

----Non-applicant

For Applicants	:	Mr. Sanjay Agrawal, Mr. Vineet Kumar Pandey & Mr. Sumit Jhanwar, for respective applicants.
For Non-applicant	:	Mr. Sameer Sharma, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/01/2020

(1) Above mentioned three bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 222 / 2019, registered at Police Station Pithora, District Mahasamund (C.G.), for the offence punishable under Sections 120B and 420 read with Section 34 of the Indian Penal Code, Sections 3 & 4 of Money Lending Act and Section 3(1)(f)(g) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, therefore, they are being heard analogously and decided by this common order. (For the sake of convenience, M.Cr.C. No. 151 of 2020 is taken up as lead case)

(2) Case of the prosecution, in nutshell, is that on the basis of written complaint made by complainant Teklal Bariha stating that his father namely Teklal Bariha, during his life time, taken loan of Rs. 1,90,000/- from accused – Anand Agrawal and in lieu thereof Rin Pustika has been taken by Anand Agrawal. In the year 2014 after the death of his father, complainant asked Anand Agrawal to return his Rin Pustika, in response to which complainant said that Rin Pustika has been taken back by his father during his life time, then the complainant enquired the matter and came to know that the applicant by playing fraud, got executed a registered sale deed of 12 acres of the land belonging to his father in favour of co-accused Tejram Diwan, which the complainant did not aware and thereby committed the aforesaid offences.

(3) Counsel for the respective applicants would submit that the applicants have falsely been implicated in the crime in question as there is no incriminating material available on record to connect the applicants with the crime in question. He submits that the father of the complainant has duly executed a registered sale deed in favour of co-accused Tejram and , as such, he is bonafide purchaser of the questioned land and if the sale deed found forged one, then complainant is free to file civil suit before the competent court of law against the

said sale deed. He also submits that applicant are in detention since 19.11.2019 and 18.11.2019, respectively and the applicants are in jail since 18/19.11.2019 and no further custodial interrogation is required and that trial is likely to take some more time and, therefore, the applicants are entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are in detention since 18/19.11.2019, respectively ; charge sheet has already been filed and no further custodial interrogation is required, I am inclined to release the applicants on bail. Accordingly, all the bail applications are allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

