

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 121 of 2021**

Sanjay Kumar S/o Late Devnarayan Agrawal, Aged About 43 Years, Village Baradawar, Tahsil Sakti, District Janjgir Champa, At Present R/o Kalindi Kunj, Kabir Chowk, Ward No. 36, Raigarh, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through S.H.O. Baradwar, Tahsil Sakti, District Janjgir Champa, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Amit Sharma, and Shri Krishna Tandon, Advocates
For Non-applicant/State	: Shri Rakesh Sahu, Dy. Govt. Advocate
For Objector	: Shri Shashank Thakur, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****31.03.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehended his arrest in connection with Crime No.376/20, registered at Police Station Baradawar, District Janjgir-Champa (C.G.), for offence punishable under Sections 420, 468, 471, 120(B) of I.P.C.
2. Case of the prosecution in brief, is that, applicant is co-owner of the land situated at Baradawar bearing Kh. No.627 measuring 20 decimal with mother-Laxmi Bai and brother-Anil Agrawal. They have executed the sale deed in favour of the Sushil Agrawal on

30.05.2015 for sale of land for consideration of Rs.2,77,500/-. On 26.12.2020, complaint has been made by Revenue Inspector, by name, D.R. Kurre stating therein that spot map enclosed along with sale deed has not been issued under his signature. The seal and signature over the spot map are forged. On the basis of complaint of D.R. Kurre, Revenue Inspector, First Information Report was registered against the present applicant for offence defined under Sections 420, 468, 471, 120(B) of I.P.C.

3. Shri Amit Sharma, learned counsel for the applicant submits that applicant is residing at Raigarh and doing his business since long. The applicant is having property at Baradawar in the joint name with mother-Laxmi Bai and brother-Anil Agrawal. The Documents for execution of sale deed has not been prepared by him as he is residing at Raigarh, he came to Baradawar only on the date of execution of sale deed. He also submits that applicant has been falsely implicated in the case. Initially, a complaint has been made by Santosh Kumar Agrawal, who is relative of Ajay Kumar Agrawal. He submits that one Santosh Kumar Agrawal has also lodged a complaint before the Sub Divisional Officer and Superintendent of Police with regard to execution of sale deed. The Sub Divisional Officer upon considering into the facts has arrived at a conclusion that as the dispute with regard to stamp duty is pending, the complaint is not required for investigation. He further submits that the documents enclosed along with sale deed has been put to the private handwriting expert, upon which, handwriting expert opined that signature mentioned on documents

No.1 to 14 are by the same author. He submits that applicant is not a beneficiary in any manner. Ajay Agrawal and his relative are having enmity with the applicant and his family member, hence, for one or the other pretext, they want to involve the applicant in criminal offence and to harass. The land sold by him with other's are their own land. He submits that applicant has not committed any offence and he may be granted benefit of under Section 438 of Cr.P.C.

4. Per contra, Shri Rakesh Sahu, learned Deputy Government Advocate for the State vehemently opposes the bail application and submits that handwriting expert report placed on record cannot be taken into consideration at this stage. He further submits that in complaint made by Revenue Inspector, D.R. Kurre specific allegation has been made that spot map enclosed along with sale deed is not prepared and signed by him and he has not put his seal. He at no point of time was posted at Baradawar. He submits that matter is under investigation and applicant may not be granted benefit of Section 438 of Cr.P.C.
5. Shri Shashank Thakur, learned counsel submits that he is appearing for the objector, Ajay Kumar Agrawal, who has initially made a compliant before the Superintendent of Police on 23.01.2020 and to Sub Divisional Officer (P) on 04.07.2020 making similar allegations against the applicant and other persons.
6. I have heard learned counsel for the parties.

7. Taking into consideration entire facts and circumstances of the case, nature of allegations and submission made by learned counsel for the applicant that applicant is resident of Raigarh. Applicant do not appear to have sold land of others as submitted by learned counsel for the applicant and further that there is no allegation of selling others property, the Police has not made any further investigation except for recording the statement of complainant D.R. Kurre, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-
- (i) he shall make himself available for interrogation by a police officer as and when required;
 - (ii) he 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 from disclosing such facts to the Court or to any police officer.
 - (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge