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HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 231 of 2021**

1. Chandraprakash Rajwade, S/o Laxman Prasad Rajwade, aged about 48 Years, R/o Majgawa, Police Station and Tahsil Baikunthpur, District Koriya, Chhattisgarh.
2. Virendra Basore @ Biran, S/o Late Budhram, aged about 42 Years, R/o Village Cher, Police Station and Tahsil Baikunthpur, District Koriya, Chhattisgarh.
3. Mohd. Yusuf (Ali Khan), S/o Late Nadhir Ali, aged about 50 Years, R/o Village Salka, Police Station and Tahsil Baikunthpur, District Koriya, Chhattisgarh.
4. Aminuddin, S/o Aziz, aged about 50 Years, R/o Village Salka, Police Station and Tahsil Baikunthpur, District Koriya, Chhattisgarh.

----Appellants

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Ajak Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

CRA No. 243 of 2021

- Abdul Rahim, S/o Late Abdul Aziz, aged about 50 Years, R/o Village Mani, Police Station and Tahsil Pratappur, District Surajpur, Chhattisgarh.

----Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Ajak Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

CRA No. 307 of 2021

1. Ravi Agrawal, S/o Shri Kamla Prasad Agrawal, aged about 46 Years,

2. Santosh Agrawal, S/o Shri Kamla Prasad Agrawal, aged about 52 Years,
3. Dr. Gaurav Agrawal, S/o Shri Kamla Prasad Agrawal, aged about 36 Years,
4. Sanjay Agrawal, S/o Shri Kamla Prasad Agrawal, aged about 50 Years,

All are R/o Bodabag Road, Rewa, P. S. Vishwavidyalaya, District Rewa, Madhya Pradesh.

----Appellants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station AJAK Thana, Baikunthpur District Koriya, Chhattisgarh.

---- Respondent

CRA No. 324 of 2021

- Seema Agrawal, W/o Shri Sanjay Agrawal, aged about 45 Years, R/o School Para Baikunthpur, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

----Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station AJAK Thana, Baikunthpur District Koriya, Chhattisgarh.

---- Respondent

CRA No. 332 of 2021

- Chandrapratap Sharma @ Chandan (Also mentioned as "Chandraprakash Sharma"), S/o Shri Ramashish Sharma, aged about 34 Years, R/o Kothari Godaripara Chirimiri, Thana and Tahsil- Chirimiri, District- Koriya, Chhattisgarh. Aadhar No. 986790547673.

----Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station AJAK Thana, Baikunthpur, District- Koriya, Chhattisgarh.

---- Respondent

CRA No. 417 of 2021

- Vasudev Manjhi, S/o Ramlal, aged about 32 Years, Occu-Service (Patwari), R/o Village Majhgaon, P.S. and Tehsil Pratappur, District Surajpur, Chhattisgarh.

----Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, P.S. AJAK Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

For Appellants	Mr. R.K. Gupta, Mr. Anil Gulati, Mr. Shakti Raj Sinha & Mr. Pravin Kumar Tulsyan, Advocates.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.
For Objector	Mr. Pragalbha Sharma, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Judgment on Board

06.04.2021

1. As all these appeals filed under Section filed under Section 14 -A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 arise out of the Crime No. 131/2017 registered at Police Station AJAK, Baikunthpur, District Koriya, C.G. for the offence under Sections 188, 294, 506, 323, 395, 427, 447, 448, 467, 468, 120-B, 452, 419, 471 and 420 of Indian Penal Code and Section 3(2)(iv)(v) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they are being disposed of this common judgment.

2. Criminal Appeal No.324 of 2021 & Criminal Appeal No.307 of 2021 have been filed by the appellants for grant of anticipatory bail whereas the other appeals (CRA No.231 of 2021, CRA No.243 of 2021, CRA No.417 of 2021 & CRA No.332 of 2021) are for regular bail as their bail applications have been rejected by the trial Court vide order dated 25.01.2021, 12.02.2021, 18.02.2021 & 12.03.2021 respectively.
3. Case of the prosecution, in brief, is that Dhanush Dhari Singh, father of the complainant namely Vishnu Singh, purchased the land bearing Khasra No.330/02 area 1.109 hectare situated at village Prema Bagh, Baikunthpur, C.G. on 02.02.1950 from Muzafar and Shamser. Since at that time settlement proceedings were going on, the *Khasra* number was not mentioned in the revenue records and the purchaser Dhanush Dhari Singh did not get the mutation done. Subsequently, as the complainant also did not get the said land mutated in his name, it continued to be registered in the revenue records in the name of Muzafar and Shamser. When Sanjay Agrawal, S/o Shri Mahangilal Agrawal came to know about the same, he along with accused Chandra Prakash Rajwade, Mohd. Yusuf, Amminuddin and Virendra Chandra Basor hatched a criminal conspiracy for grabbing the land of the complainant and in

furtherance thereof they prepared forged documents including death certificates of Muzafar and Shamser and projected accused Abdul Rahim as successor of Muzafar and Shamser. Thereafter, the aforesaid land of the complainant was got transferred in the name of accused Abdul Rahim. Accused Vasudev @ Basdev Manjhi, the then Patwari and accused Mahendra Rajwade, the then Reader in Tehsil Office, Pratappur, in conspiracy with the other accused persons prepared a false revenue case and then accused Abdul Rahim through his power of attorney Rajesh Singh sold the aforesaid land for a consideration of Rs.58,40,000/- in favour of the firm of said Sanjay Agrawal i.e. Maa Vaishno Association Private Limited.

In the night intervening 29-30th April, 2017 accused Sanjay Agrawal, S/o Shri Mahangilal Agrawal along with other co-accused persons entered the house of the complainant constructed on the said land, committed *Marpeet* with him and his wife, forcibly ousted them from their house, demolished their house and looted the household articles.

4. Allegation against the accused Dr. Deepak Agrawal is that in order to protect said Sanjay Agrawal, he prepared false medical documents showing hospitalization of Sanjay Agrawal in his Pasonia Nursing Home, Rewa, M.P. from 29.04.2017 to 03.05.2017.

CRA No.231 of 2021, CRA No.243 of 2021, CRA No.417 of 2021 & CRA No.332 of 2021

5. Learned counsel for the appellants submit that the appellants are innocent persons and have been falsely implicated in this case due to political rivalry. No such act as alleged against them has been committed by them. It is submitted that the complainant has filed a civil suit for declaration of title and permanent injunction in respect of the land in question against the accused persons which is pending. Sanjay Agrawal, S/o Shri Mahangilal Agrawal filed a petition i.e. WPCR No.977 of 2019 in which the co-ordinate Bench of this Court passed an order dated 30.09.2019 directing the police authorities not to take any coercive steps against him. This apart, co-accused Dr. Deepak Agrawal has been granted regular bail by this Court vide order dated 01.03.2021 passed in CRA No.186 of 2021. The appellants are in jail since 08.01.2021, 24.01.2021 & 05.02.2021, charge sheet has already been filed, nothing is required to be seized from them and due to COVID-19 Pandemic the conclusion of the trial is likely to take some. Therefore, the appellants be released on bail.

CRA No.324 of 2021 & CRA No.307 of 2021

6. Learned counsel for appellants submit that the appellants have been falsely implicated in the present crime merely on the basis of suspicion whereas there is no allegation against

them in the entire charge sheet. Appellant Seema Agrawal is the wife of Sanjay Agrawal, S/o Shri Mahangilal Agrawal and a partner in his firm Maa Vaishno Association Private Limited, in whose favour the land in question was said to have been fraudulently sold and therefore there is every apprehension that she would be arrested in connection with the aforesaid crime.

In respect of appellants in **CRA No.307 of 2021**, it is submitted that no allegation has been made against these appellants by the complainant and they have not been arrayed as accused in the charge sheet. They had filed an application under Section 438 of Cr.P.C. before the trial Court but the same was not pressed there as the police submitted a report that no material is found to prove their involvement in the aforesaid crime. It is submitted that these appellants are brothers of co-accused Dr. Deepak Agrawal, who was arrested in this case and subsequently granted regular bail by this Court and as such there is every apprehension that these appellants may also be implicated and arrested by the police. Therefore, they may be granted anticipatory bail.

7. On the other hand, learned counsel for the State as well as the Objector oppose the submissions made by learned counsel for the appellants and submit that the trial Court considering all the material available in the charge sheet has rightly rejected the bail applications of the appellants. There is

no illegality or infirmity in the orders of the trial Court calling for any interference by this Court.

8. Heard learned counsel for the parties and perused the case diary.

CRA No.231 of 2021, CRA No.243 of 2021, CRA No.417 of 2021 & CRA No.332 of 2021

9. Considering the facts and circumstances of the case, the manner in which the offence is said to have taken place, that a civil suit in respect of the land in question has been filed by the complainant against the accused persons for declaration of title and permanent injunction, the detention period of the appellants, co-accused Dr. Deepak Agrawal has been granted regular bail by this Court, the co-ordinate Bench in WPCR No.977 of 2019 has passed a protective order in favour of Sanjay Agrawal, S/o Shri Mahangilal Agrawal against whom direct allegations are there in the charge sheet, charge sheet has already been filed, there is no apprehension of the appellants absconding or tampering with or influencing the witnesses and disposal of the trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for releasing the appellants on bail. Accordingly, CRA No.231 of 2021, CRA No.243 of 2021, CRA No.417 of 2021 & CRA No.332 of 2021 are allowed.

CRA No.324 of 2021 & CRA No.307 of 2021

10. Considering the fact that there is no allegation against the appellants namely Seema Agrawal, Ravi Agrawal, Santosh Agrawal, Dr. Gaurav Agrawal and Sanjay Agrawal showing their involvement in the crime in question in the entire charge sheet, appellant Seema Agrawal is only partner in the firm of Sanjay Agrawal who has not yet been arrested by virtue of protective order passed by this Court, there is no active participation of these appellants in the commission of the crime, co-accused Dr. Deepak Agrawal, who is brother of appellants in CRA No.307 of 2021, has already been granted regular bail by this Court, there is no apprehension of their influencing or intimidating the witnesses, and that conclusion of the trial is likely to take some time, this Court is of the opinion that present is a fit case for granting anticipatory bail to these appellants. Accordingly, CRA No.324 of 2021 & CRA No.307 of 2021 are allowed.

11. In the result:-

- **CRA No.231 of 2021, CRA No.243 of 2021, CRA No.417 of 2021 & CRA No.332 of 2021** are allowed. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail.
- **CRA No.324 of 2021 & CRA No.307 of 2021** are allowed. It is

directed that in the event of arrest of these appellants in connection with the aforesaid crime, they shall be released on bail by the Arresting Officer on each of them furnishing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer.

12. All the appellants shall be released on bail on the following conditions:-

- (i) they 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 fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge