

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 565 of 2021

- Ramesh Kumar Agrawal S/o Satyanarayan Agrawal Aged About 52 Years R/o Shivrinarayan, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh. At Present R/o Gidhori, Tehsil Kasdol, District Baloda Bazar Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh

---- Respondent

MCRC No. 2882 of 2021

- Ravindra Rao Bhosley S/o Late Shankar Lal Bhosley Aged About 61 Years R/o Village- Chhuri, Tahsil- Katghora, District- Korba, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sheorinarayan, District- Janjgir- Champa, Chhattisgarh

---- Respondent

For Respective ApplicantsMr. Manoj Paranjpe and Mr. Avinash
K. Mishra, Advocates

For Respondent /State

Mr. Sudeep Agarwal, Dy. AG

Proceedings through Video ConferencingSB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJOrder On Board

7/7/2021

1. Heard.
2. Since both the applications (438 and 439) are arising out of the same crime number, they are being considered and decided by this common order.

MCRC No. 565 of 2021

3. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.116/2021 registered at Police Station Shivrinarayan, District Janjgir-Champa Chhattisgarh for the offence punishable under Section 420 read with Section 34 of the IPC.

MCRC No. 2882 of 2021

4. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.116/2021 registered at Police Station Sheorinarayan, District Jangjir-Champa (CG) for the offence punishable under Sections 420, 34 of the IPC.
5. The subject property bearing Khasra Nos.740, 789 and 828 admeasuring 3 acres 11 decimal was owned by Shankar Lal Jadhav, father of complainant Ravindra Rao Jadhav. As per the complaint, accused Ravindra Rao Bhosley executed a power of attorney in favour of accused Harishankar Rao Bhosle, who in turn executed the sale deed on 9.5.2006 in favour of accused Natwar Lal Agrawal

and Ramesh Kumar Agrawal. According to the complainant, the power of attorney is a forged document and thus, he/his family members have been cheated and defrauded by the accused persons.

6. It is argued that in respect of the same property, a civil suit was instituted by Sita Devi and others on the pleading that the complainant's grandfather had mortgaged the property with them and thus, they are the owner in possession of the property. In the said suit bearing No.23-A/2007 accused Ravindra Rao Jadhav, Natwarlal and Ramesh Kumar were arrayed as defendants 3, 4 & 5 respectively. The suit was dismissed and thereafter, the First Appeal has been dismissed and presently, second appeal is pending before this Court. It is further argued that it was found by the Civil Court that present complainant Ravindra Rao Jadhav has sold the property in favour of accused Natwarlal and Ramesh Kumar. It is also argued that there is delay of about 15 years in lodging the FIR.
7. Considering the delay in lodging the FIR and the previous civil litigation, which has already been decided in favour of applicant Ramesh Kumar Agrawal, I am inclined to extend the benefit of Section 438 of Cr.P.C. to applicant Ramesh Kumar Agrawal and regular bail to applicant Ravindra Rao Bhosley.
8. Accordingly, both the applications are allowed.
9. It is directed that in the event of arrest of applicant **Ramesh Kumar Agrawal**, he shall be released on anticipatory bail on his

MCRC No. 565 of 2021 and another

furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

10. Applicant **Ravindra Rao Bhosley** is directed to be released on regular bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

11. Certified copy as per rules Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice

Shyna