

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 637 of 2021**

Natwar Lal Agrawal S/o Late Satyanarayan Agrawal Aged About 61 Years R/o Village Bhoghapara, Shivrinarayan, District Janjgir Champa Chhattisgarh

At Present R/o Villae Gidhori, Police Statiion Gidhori, Tehsil Kasdol, District Baloda Bazar Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Non-applicant

For Applicant : Shri Manoj Paranjpe, Advocate

For Non-applicant/State : Shri B.L. Sahu, Panel Lawyer

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**23.07.2021**

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 apprehending his arrest in connection with Crime No.116 of 2021, registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.), for offence punishable under Section 420 read with Section 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, land bearing Khasra Nos.740, 789 and 828 total ad-measuring 3.11 acres of land was owned by Shankar Lal Jadhav, father of complainant Ravindra Rao Jadhav. By virtue of power of attorney executed by Ravindra Rao Bhosley in favour of Harishankar Rao Bhosley, a sale deed was executed on 09.05.2006 in joint name of present applicant,

namely Natwar Lal Agrawal and Ramesh Kumar Agrawal (co-accused). As per allegation levelled in the complaint, sale deed was executed based on the forged power of attorney, hence, complainant and their family members were cheated. Based on the complaint, instant crime was registered against the present applicant and other co-accused persons.

3. Shri Manoj Paranjpe, learned counsel for the applicant submits that present applicant is a bonafide purchaser, he has purchased the land after payment of agreed sale consideration, which is hard-earned money of purchasers. He further submits that one civil suit was also filed by one Sita Devi and four others against the complainant Ravindra Rao Jadhav and purchasers i.e. present applicant and Ramesh Kumar Agrawal (co-accused) for declaration of title and in alternate, possession also. The said suit was dismissed, against which, appeal is pending consideration. He further pointed out that second purchaser in the sale deed i.e. Ramesh Kumar Agrawal has been enlarged on anticipatory in MCRC No.565 of 2021 and one of the seller, by name Ravindra Rao Bhosley has been enlarged on regular bail in MCRC No.2882 of 2021 vide common order dated 07.07.2021 and case of present applicant is also on the same footing as of the co-accused Ramesh Kumar Agrawal, hence, present applicant may be enlarged on anticipatory bail.
4. Per contra, Shri B.L. Sahu, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that land owned by father of complainant has been purchased by the

present applicant by virtue of forged power of attorney, hence, he is not entitled for grant of anticipatory bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, second purchaser of the property, by name Ramesh Kumar Agrawal (co-accused) has been enlarged on anticipatory in MCRC No.565 of 2021 and one of the seller, by name Ravindra Rao Bhosley has been enlarged on regular bail in MCRC No.2882 of 2021 vide common order dated 07.07.2021 and case of present applicant is also on the same footing as of the co-accused Ramesh Kumar Agrawal, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. 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

Yogesh