

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 591 of 2021**

Sanjay Agrawal S/o Sh. Mahangi Lal Agrawal Aged About 53 Years
Vocation Business (Director Maa Vaishnav Asso. Pvt. Ltd.) R/o
School Para Baikunthpur, Tahsil Baikunthpur, District Koriya
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Baikunthpur , District
Koriya Chhattisgarh.

---- Respondent**MCRCA No. 444 of 2021**

Seema Agrawal W/o Shri Sanjay Agrawal Aged About 48 Years
Vocation Housewife, R/o School Para Baikunthpur, Tahsil
Baikunthpur, District Koriya Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Baikunthpur, District
Koriya Chhattisgarh

---- Respondent

For applicants – Shri R.K. Gupta, Advocate.
For Respondent/State –Shri Alok Bakshi, Addl.A.G., Shri Gagan Tiwari,
Dy.G.A. and Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****04/08/2021**

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. These applications under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.41/2021 registered at Police Station Baikunthpur, District Koriya (C.G.) for offence punishable under Sections 420, 120(B) & 34 of the Indian Penal Code.
3. As per the prosecution case, report was made by one Tapanath Pathak and Sunita Gupta that they have been sold land which belong to the jail department as the revenue record records the name of jail department.
4. Learned counsel for the applicants submits that in the similar nature

another case was registered at the report of another beneficiary wherein the District Judge by its order dated 19/04/2021 observed that by order dated 19/12/2013 there was exchange had taken place in respect of the land and only in the revenue record the said land is recorded in the name of jail department which would not dilute the exchange. He would submit that challenging the said exchange, PIL was also filed before the division bench by one Dr. Rakesh Kumar Sharma and this court has dismissed the said challenge in WP (PIL) No.52/2020 on 7/05/2021, therefore submitted that only on the presumption that the beneficiary has filed the FIR on which the cases are registered that they would be ousted or fraud has been committed. He further submits that the District Judge in another similar like nature of cases has granted bail to the applicants on 19/04/2021, therefore the applicants may also be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of bail. Further it is pointed out that against applicant Sanjay Agrawal in 2007, 2009, 2012, 2015 cases under Section 186, 353, 294, 506, 188, 193, 420, 467, 468, 471 of IPC were registered. In the year 2017 three cases were registered against Sanjay Agrawal one under section 294, 506 of IPC, second under Section 294, 323, 506, 353, 332 of IPC and third under section 294, 506, 323, 395, 427, 447, 448 of IPC, in year 2019 case was registered under Section 294, 323 and 506 IPC and in the year 2020 case was registered against Sanjay Agrawal and Seema Agrawal under section 467, 468, 471, 120-B of IPC and in the year 2020 another case was registered against Sanjay Agrawal u/s 243, 294, 506, 342, 365, 420, 467 of IPC and again in 2020 similar offence is registered u/s 420, 120-B, 34, 294, 506, 34 IPC this offence is registered against Seema Agrawal also and in 2021 further cases are registered. He would further submit that as per the instructions, the State authorities have taken up the issue challenging the said exchange. Considering the number of cases which are to the credit of both the applicants, they may not be extended benefit of

anticipatory bail.

6. Learned counsel for the applicants submits that the property is still recorded in the name of the complainant. He further submits that the considering the nature of allegation which are not serious in nature, the past criminal antecedents may not be part of the consideration for grant of anticipatory bail.

7. Having considered the case of the applicants and the fact that number of criminal cases are pending against both the applicants on the different sections of IPC which is registered almost every year and also conscious of the court do not allow to grant anticipatory bail inasmuch as grant of anticipatory bail is not meant for the cases of like nature who has number of criminal cases to their credit, therefore I am of the opinion that it is not a case where benefit of section 438 of Cr.P.C. can be extended to the applicants.

8. Accordingly, both the anticipatory bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE