

(Proceedings through video conferencing)

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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 627 of 2021

- Mithlesh Kumar Sahu, S/o Narayan Sahu, aged about 29 years
R/o Deviganj, Ward No.15, Gandhi Chowk, Ambikapur, Tahsil
Ambikapur, District Surguja (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Gandhi Nagar,
Distt. Surguja (CG)

---- Non-applicant

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MCRCA No. 651 of 2021

- Vipin Kumar Pandey, S/o Shri Anil Kumar Pandey, aged about
34 years, Occupation-Contractor, Caste-Brahmin, R/o Gandhi
Nagar, PS Gandhi Nagar, Tahsil Ambikapur, District Surguja
(CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Gandhi Nagar,
District Surguja (CG)

---- Non-applicant

M.Cr.C.(A) No.627/2021

For Applicant : Mr. Anurag Singh, Advocate
For Non-applicant : Mr. BP Banjare, Dy. Govt. Advocate

M.Cr.C.(A) No.651/2021

For Applicant : Mr. Shakti Raj Sinha, Advocate
For Non-applicant : Mr. BP Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

12/7/2021

1. As both the above applications arise out of the same crime number, they are being heard together and disposed of by this common order.
2. The above two applications under Section 438 of CrPC for grant of anticipatory bail have been preferred applicants Mithlesh Kumar Sahu and Vipin Kumar Pandey as they

apprehend their arrest in connection with Crime No.173/2021 registered at Gandhi Nagar, Ambikapur, District Surguja for commission of offence punishable under Sections 420, 467, 468, 471, 34 of IPC.

3. The prosecution story, in brief, is that the Tahsildar, Ambikapur has lodged complaint in the concerned police station through one Bhanwar Singh, an employee posted in the office of Tahsildar, stating therein that on the basis of revenue documents bearing forged seal and signature of revenue officers, the sale deed has been executed by Tumeshwar Yadav, power of attorney holder of Rupsai, owner of land, in favour of present applicants & others. On the basis of said report, instant crime is registered against the present applicants and others.
4. Mr. Shakti Raj Sinha and Mr. Anurag Singh, learned counsel for the respective applicants submit that the applicants are bonafide purchasers, the revenue documents are to be obtained by the owner of land if he wanted to sell the land recorded in his name in the land records. The documents with forged seal and signature, if at all, is obtained by seller of land and not by present applicants. They have paid the sale consideration, which is their hard earned money, and thereafter they get the sale deed executed from the owner of land through his power of attorney holder. Hence the applicants are not involved in any manner in commission of crime as alleged in the complaint by the Tahsildar. Roopsai has filed civil suit against power of attorney holder and purchasers, which is pending. Copy of plaint is filed as Annexure A-4 along with M.Cr.C.(A) No. They further submit that co-accused persons, who are also purchasers, have been extended benefit of anticipatory bail by this Court vide order dated 12.7.2021 in M.Cr.C. (A) No.686/2021.
5. Mr. BP Banjare, learned State Counsel opposes the submissions made by learned counsel for the applicants and

submits that in the report lodged by the Tahsildar there are specific allegation that the sale deed in favor of present applicants has been executed based on the revenue documents bearing forged seal and signature of revenue officers. Hence there is involvement of present applicants also in the crime in question.

6. I have heard learned counsel for the parties.
7. Indisputably, instant crime is registered on the basis of written complaint lodged by the Tehsildar, Ambikapur wherein allegations have been levelled with regard to use of revenue documents having forged seal and signature of revenue authorities for the purpose of executing sale deed in favour of present applicants. Sale deed has been executed by co-accused Tumeshwar Yadav in his capacity as power of attorney of registered owner of land. As per allegation and material available in the case diary, present applicants have purchased the land by way of registered sale deed which has been executed by the owner through his power of attorney. In Bhuiyan branch of Tahsil office, Roopsai lodged complaint that by mentioning Sr.No.5 of the register, sale deeds were executed but in Sr. No.5 the copies of revenue record was issued for selling land in the name of Samaru.
8. Taking into consideration the nature of allegations, the fact that present applicants are bonafide purchasers of land through registered sale deed and the fact that co-accused persons i.e. purchasers, have already been granted anticipatory bail by this Court, without commenting anything on the merits of case, I am of the view that present is a fit case where applicants should be granted anticipatory bail.
9. Accordingly, both the applications are allowed and it is directed that in the event of arrest of applicant **Mithlesh Kumar Sahu & Vipin Kumar Pandey** in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their executing a personal bond in the sum of

Rs.25,000/- each with one surety in the like sum to the satisfaction of the Arresting Officer. The applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

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