

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 649 of 2021

Yogesh Kumar Chauhan S/o Shri Jairam Chauhan, Aged About 34 Years, R/o A-84, Radhaswami Nagar, Bhatgaon Chowk, Raipur, District- Raipur, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through- The Station House Officer, Police Station- Civil Lines, District -Raipur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Amit Kumar, Advocate.
For State	: Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.110/2019 registered at Police Station – Civil Lines, Raipur, (CG), for the offence punishable under Section 420, 467, 468 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.10.2013 complainant purchased land bearing Khasra No.187/2 measuring 1000 sq ft residential plot owned by Sarita Singh, sale deed was executed on behalf of owner of land Sarita Sigh by registered power of attorney holder Yogesh Kumar Chauhan ie present applicant. After execution of sale deed, complainant had given relevant documents alongwith Rs.2,50,000/- to one Kamlesh Tandi. In the month of November 2014, Kamlesh Tandi handed over B-1 Khasra of diverted land, After about 4 years of purchase of land, when complainant approached the Revenue Authorities alongwith map for completing formalities before starting construction. it was informed to her that land purchased by complainant is still recorded in the name of seller Sarita Sigh, the documents of mutation or diversion are forged and fabricated. She also purchased land bearing Khasra No.198/127 and Khasra No.198/128 owned by Kapil Patel measuring about 2250 sq ft, sale deed of which was executed by registered power of attorney

holder Shiv Kumar Shrivastava. Complainant realizing that forged and fabricated mutation and diversion documents are handed over to her, she lodged complaint based upon which, instant crime is registered against present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that applicant based on registered power of attorney executed sale deed on behalf of registered owner Sarita Singh. There is no allegation that power of attorney executed in favour of complainant is forged or said Sarita Singh is not original owner of the land bearing Khasra No.187/2, which she has purchased. The only allegation is that revenue papers and diversion papers showing her name recorded in the revenue record to be forged and fabricated, but as per allegation of complainant herself, she handed over Rs.2,50,000/- to Kamlesh Tandi and the revenue papers are handed over by Kamlesh Tandi himself. Hence, applicant has not committed any offence as alleged against him. Applicant may be extended benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that there are allegations against present applicant. Hence, applicant is not entitled for grant of anticipatory bail. However, on a putting specific query to learned State Counsel with regard to materials available in the case diary, he replied that there is no dispute with regard to ownership of the land bearing Khasra No.187/2 with Sarita Singh and execution of registered power of attorney in favour of applicant by her. The allegation is that forged and fabricated revenue papers have been prepared showing her name.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicant, and the fact that there is no dispute with regard to execution of registered power of attorney in favour of applicant and ownership of Sarita Singh of land purchased by complainant, the revenue documents are

handed over to complaint by one Kamlesh Tandi, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that applicant 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant 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

Jamal/-