

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 686 of 2021

1. Mahboob Aalam, S/o Late Kayamuddin, Aged About 38 Years
Caste - Dhuniya, Occupation - Business
2. Mahtab Aalam, S/o Late Kayaamuddin, Aged About 22 Years
Caste - Dhuniya, Occupation - Business

Applicant No.1 and 2 are R/o Mayapur, PS and Tah. Ambikapur,
District Surguja (CG)

3. Addhaya Yadav, S/o Shri Arjun Yadav, Aged About 20 Years
Caste - Aaheer, Occupation - Business, R/o. Village Khaliba,
Police Station Gandhi Nagar, Tahsil Ambikapur, District Surguja
Chhattisgarh.

---- Applicants

Versus

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

---- Non-applicant

For Applicants	:	Mr. N.K. Mehta, Advocate
For Non-applicant	:	Mr. BP Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

12/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants 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.
2. 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.

3. Mr. NK Mehta, learned counsel for the applicants submits 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.
4. 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.
5. I have heard learned counsel for the parties.
6. 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.

7. Taking into consideration the nature of allegations, the fact that present applicants are bonafide purchasers of land through registered sale deed, 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.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants 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

roshan/-