

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 909 of 2021

- Vikas Mishra S/o Manharan Mishra Aged About 36 Years R/o Ward No. 17, Near Pani Tanki, Urkura, Police Station Khamtarai, Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Khamtarai, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Devershi Thakur, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

11.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 225 of 2021 registered at Police Station Khamtarai, District-Raipur, Chhattisgarh for commission of offenses punishable under Sections 420, 306 and 34 of IPC.
2. Case of the prosecution, in brief, is that, when Vikram Singh (s/o complainant-Brij Bahadur Singh) has shown his intent that his father want to sale immovable property, present applicant introduced him with co-accused Rajesh Sahu @ Ghan Shyam Sahu (for short, 'co-accused'), who agreed to purchase their land and also shown one piece of his own land to be available for sale on very low price. Agreement was entered into between Brij Bahadur Singh and co-accused, who accepted an amount of Rs.1 lakh from Vikram Singh stating that he would provide them finance for purchase of his land, but has not provided finance, nor ready to get the sale deed executed by making payment of agreed consideration of the land owned by Brij Bahadur Singh.

Co-accused got the time extended for getting sale deed registered firstly, on 20.04.2018, thereafter, by another agreement dated 04.06.2018 and lastly, by agreement dated 08.08.2018. Thereafter, co-accused and present applicant started threatening Vikram Singh that in records of the land which his father want to sale, its ward number is wrongly mentioned, and if Vikram Singh or his father Brij Bahadur Singh will take any action against them, they would lodge complaint against them. Vikram Singh committed suicide by hanging himself. During the course of investigation, Police seized suicidal note from the spot, based upon which instant crime is registered against present applicant and two other persons.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Devershi Thakur, learned counsel for the applicant would submit that from the contents of FIR, allegations of entering into sale and purchase of land of Brij Bahadur Singh and deceased Vikram Singh was with co-accused person Rajesh Sahu @ Ghanshyam Sahu. There is no role of present applicant in entering into Agreement of sale and purchase of land except he has signed the Agreement as witness. He submits that he has signed document of sale Agreement executed between co-accused and Brij Bahadur Singh, only after the document is typed, with their consensual conditions mentioned therein. Allegation of demand of Rs.1 lakh is against co-accused and not against present applicant. He submits that co-accused and one Praveen Khatiyal have

been enlarged on regular bail by the Court below. Applicant has been falsely implicated in crime.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that in FIR, there are allegations that deceased came in contact with co-accused, only through present applicant as when deceased-Vikram Singh stated to applicant that his father wants to sale the land, applicant introduced co-accused as purchaser. He also submits that in suicidal note, there is allegation that present applicant and co-accused apportioned Rs.1 lakh. However, he does not dispute the fact that different Agreements of sale, 1st on 20.04.2018, another on 04.06.2018 extending the period and further extending period on 08.08.2018 were executed between Brij Bahadur Singh and co-accused, not with present applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant, submission of learned counsel for State that different Agreements dated 20.04.2018. 04.06.2018 and 08.08.2018 were executed between Brij Bahadur Singh and co-accused, in FIR allegation with regard to demand of Rs.1 lakh is on the co-accused and not on present applicant, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he

shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma