

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 956 of 2021**

- Nilmani Mahant S/o A.D. Mahant, aged about 51 years, R/o Gram Amatoli, Police Station Sitapur, District Surguja, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Sitapur, District Surguja, Chhattisgarh

-----Non-applicant

For Applicant	: Ms. Soumya Sharma, Advocate
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Advocate

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****18/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 187/2020 registered at Police Station Sitapur, District- Surguja (C.G.) for the offence punishable under Sections 420, 467, 468, 34, 470, 471, 120B of IPC.
2. Complainant Prakash Kumar Agrawal lodged a written report on 12.11.2020 making allegations against one Savitri Das d/o Tiludas that she has grabbed is ownership land by preparing forged documents. It is further mentioned that in the order dated 19.02.2016 passed by SDO (Rev.) the land subject matter of this proceeding was a part of land of khasra number 1147 measuring 0.075 hectare only but the patwari has corrected the record of khasra number 1147/2 in the name of Savitiri Das and complainant was ousted. Based on the written report, initially, FIR was registered against Savitiri Das and

during the course of investigation present applicant is also implicated in the instant crime.

3. Ms. Soumya Sharma, learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime. She submits that the applicant has purchased land from the co-accused/recorded land owner Savitiri Das through registered sale deed after paying agreed consideration. She submits that even in the FIR no allegation is levelled against the present applicant but the applicant has been implicated subsequently during the course of investigation after getting knowledge that the applicant has purchased the land from Savitiri Das. She further submits that at the time of execution of sale deed in favour of present applicant, land was recorded in the name of Savitiri Das (co-accused) who has been enlarged on anticipatory bail in MCRCA No.74/2021 on 17.06.2021. She submits that the case of the present applicant stands on better footing, as he is a bonafide purchaser. Hence, he may be enlarged on anticipatory bail. She also pointed out that the complainant himself fraudulently get transferred in his name the land of Savitiri Das and by virtue of order passed by SDO (Rev.) in the year 2016 the land was mutated again in the name of co-accused Savitiri Das.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that the land was earlier sold by Savitiri Das in favour of complainant. By virtue of order passed by SDO (Rev) part of the land khasra number 1147 was ordered to be re-corrected in the name of Savitiri Das but the land bearing khasra number 1147/2 was also corrected. Applicant has purchased the land from Savitiri Das, hence, his involvement in the crime is also there.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, facts of the case, nature of allegation levelled in the F.I.R., the allegation of cheating and forgery was initially against co-accused Savitiri Das in whose name the land was re-corrected by the patwari. Applicant is purchaser of land. Co-accused Savitiri Das has already been enlarged on anticipatory bail in MCRCA No. 74/2021, I find it a fit case to enlarge the present applicant on anticipatory bail.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (187/2020), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
 - (ii) 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;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the 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