

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 980 of 2021

Ragahav Singh Thakur S/o Kedar Singh Thakur, Aged About 32 Years,
 R/o Word No. 2 Near Jyoti Kirana Store, 27 Kholi, Vikas Nagar, Police
 Station -Civil Line Bilaspur, District - Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through, Police Station -Civil Line, District -
 Bilaspur, Chhattisgarh.

---- Respondent

M.Cr.C (A). No. 959 of 2021

Srimati Mamta Singh Baghel W/o Indrajeet Singh Baghel, Aged About 58
 Years, R/o Village Mauhar, Tahsil -Raghurajnagar, District -Satna, (M.P.)
 Presently Residing At The House of Devendra Singh, Imlipara Bilaspur,
 Tehsil and District -Bilaspur, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through Police Station -Civil Line, District -Bilaspur
 Chhattisgarh.

--- Respondent

For Applicant	: Mr. Sumit Singh, Advocate.
For State	: Mr. B.L. Sahu, Advocate.

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

25/08/2021

Heard.

1. As above bail applications arise out of same crime number, they are being heard together and decided by this common order.
2. This is an application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to applicants as they apprehend their arrest in connection with Crime No.80/2021 registered at Police Station -Civil Line, Bilaspur, District -Bilaspur, for commission of offence punishable under Sections 292 C(2) Municipal Corporation Act, 1956; Sub-rule (10) of Rule 3 and Rule 13 of Nagar Palika Colonizer ka Registrickaran Nirbandhan Shart Niyam, 2013.

3. Case of the prosecution is that on 21.12.2020, Building Permission Officer, Municipal Corporation, Bilaspur lodged written report before concerned Police Station mentioning therein that land bearing Khasra No.1644 recorded in name of Smt. Mamta Singh Baghel has been sold by her power of attorney holder Raghav Singh Thakur by illegal plotting. Based upon written report, FIR is registered against applicants.
4. Learned counsel for the applicants submits that applicant Smt. Mamta Singh Baghel in MCRCA/959/2021 is having land recorded in her name in village -Mangla, District – Bilaspur. As she is residing in Satna, (Madhya Pradesh), she had given power of attorney to Raghav Singh Thakur for supervision and selling of land. Raghav Singh Thakur has not sold the land to different persons, but it is sold to only one person ie Deen Bandu Pandey. He further submits that in no manner it can be said that any criminality is attached to the act of Smt. Mamta Singh. Applicants have not committed any offence as alleged against them. Even otherwise offences alleged against applicants are not heinous and punishable with maximum imprisonment upto 7 years under Municipal Corporation Act. He submits that looking to the nature of offence registered against the applicants, arrest is not necessary. Applicants are reputed person of society hence they may be enlarged on anticipatory bail. In support of his contentions, he relied upon judgment passed by Hon'ble Supreme Court in case of **Arnesh Kumar vs. State of Bihar and Anr** reported in **(2014) 8 SCC 273**.
5. Learned State Counsel opposes the submissions made by learned counsel for the applicant, however, he admits that applicant Raghav

Singh Thakur has sold the land to one person only ie Deen Bandu Pandey. Applicant Smt. Mamta Singh Baghel has been shown to be resident of Satna, (MP).

6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations, submissions made by parties, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to applicants.
8. Accordingly, application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their furnishing 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 the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-