

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1044 of 2021**

1. Smt. Lalmati Singh W/o Late Rajendra Singh, Aged About 62 Years
2. Vir Bahadur Singh S/o Late Rajendra Singh, Aged About 32 Years
3. Smt. Sonia Singh D/o Late Rajendra Singh, Aged About 31 Years

All resident of EWS 93, Ward No.10, Vaishali Nagar, Durg,
Tehsil, Civil and Revenue District Durg, Chhattisgarh

---- Applicants**Versus**

State of Chhattisgarh Through District Magistrate Raipur,
Distt.- Raipur, Chhattisgarh

---- Non-applicant

For Applicants : Shri Jaydeep Singh Yadav, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****02.09.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.254 of 2021, registered at Police Station Deendayal Nagar, Raipur, District Raipur (C.G.), for offence punishable under Section 292C of Chhattisgarh Municipal Corporation Act, 1956.
2. Case of the prosecution in brief, is that, applicants have sold the lands recorded in their names situated at village Raipura, Raipur to different persons by illegal plotting without having with them the licence of colonizer. After getting the knowledge of illegal plotting,

Zone Commissioner issued notice to the applicants for production of the colonizers licence and other relevant documents for developing colony, which was not submitted and thereafter, a written report was lodged on 06.07.2021 to concerned Police Station for commission of offence under Section 292C of Chhattisgarh Municipal Corporation Act, 1956. Based on the written report, First Information Report was registered on 19.07.2021 against the present applicants and co-accused Amritesh Singh.

3. Shri Jaydeep Singh Yadav, learned counsel for the applicants would submit that applicant No.1 is old age mother of applicants No.2 and 3. As they were finding it difficult to take care of their property, they have executed one power of attorney in favour of co-accused Amritesh Singh, son of applicant No.1 on 03.10.2019. They were not aware with regard to sale of land by co-accused Amritesh Singh and it is Amritesh Singh alone who sold the land to different persons. The applicants have been arrayed as accused because they are registered owner of lands which is subject matter of issue. He further submits that offence as alleged is only on account of selling land to different persons in small pieces without colonizers licence, no custodial interrogation is required, applicant No.1 being 62 years of age and applicant No.3 being daughter of applicant No.1, applicants may be enlarged on anticipatory bail.
4. Per contra, Vimesh Bajpai, Government Advocate representing the State opposing the submissions made by learned counsel for

the applicants, would submit that applicants have executed power of attorney in favour of their family member who is none other than son of applicant No.1 and brother of applicants No.2 and 3, they were aware with regard to sale of land without there being any licence of colonization, hence, applicants have also committed offence as alleged against them.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, further the fact that applicants have executed power of attorney in favour of Amritesh Singh (co-accused) and as per sale deed collected by the Police, lands were sold by co-accused Amritesh Singh to different persons, applicant No. 1 is lady aged about 62 years and applicant No.3 to be her daughter, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they 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 them from disclosing such facts to the Court or to any police officer.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh