

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 992 of 2021**

1. Jagdish Pradhan, S/o Late Shri Biranchi Pradhan, Aged About 54 Years
 2. Bharat Pradhan S/o Late Shri Biranchi Pradhan Aged About 49 Years
 3. Naresh Pradhan S/o Late Shri Biranchi Pradhan Aged About 41 Years
- All R/o Saraipali, Ward No. 14, Tahsil And P.S. Saraipali, District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer (S.H.O.), Police Station- Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicant	: Shri Devershi Thakur, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

27.08.2021

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. 305 of 2021 registered at Police Station Saraipali, District-Mahasamund, Chhattisgarh for commission of offense punishable under Section 420 and 34 of IPC.
2. Case of the prosecution, in brief, is that, Sukanti Pradhan, w/o Sanatan Pradhan lodged a written complaint before concerned Police Station, mentioning therein that her husband Sanatan Pradhan is mentally not fit and applicants have fraudulently got the sale deed executed from Sanatan Pradhan of the land recorded in his name situated at village Saraipali on 18.03.2021. Based on the written complaint, FIR was registered against present applicants for the offence as mentioned above.

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

4. Shri Devershi Thakur, learned counsel for the applicants submits that allegation levelled against applicants is absolutely false and baseless. Complainant herself is residing at village Padkipal, Orissa, leaving her husband in Saraipali since last 30 years. Sanatan Pradhan is residing along with family members of applicants. Sanatan Pradhan is a double graduate and was teaching children of applicants. Learned counsel also submits that perusal of copy of sale deed filed along with covering memo itself shows that sale deed was executed by Sanatan Pradhan for consideration of Rs.15.36 lakhs. Payment of sale consideration is mentioned to be paid through two cheques, one for Rs.8 lakhs and the other for Rs.7.36 lakhs. However, Sanatan Pradhan did not encash the cheques and returned them to applicants stating that applicants may pay the amount as and when required to him. Applicants paid cash to Sanatan Pradhan at different points of time; Rs.3,37,000/- on 12.03.2021, Rs.1,50,000/- on 02.03.2021, Rs.1 lakh on 05.04.2021, Rs.1 lakh on 12.04.2021, on 17.05.2021 Rs.1 lakh and on 04.06.2021 Rs.1 lakh, etc., which is appearing from statement of Bank account of Jagdish Pradhan, applicant-1, placed on record. Apart from it, other applicants also paid some money to Sanatan Pradhan. He further submits that if the allegation levelled against applicants is taken as it is, that her husband is mentally not fit, then, how she is residing in Padkipal in Orissa, leaving him in Saraipali, hence, the allegation that Sanatan Pradhan is not mentally fit is incorrect. He submits that from the above, it is apparent that applicants have not committed any offence as alleged

against them. They purchased land from Sanatan Pradhan, after paying agreed sale consideration to him. Lastly, he submitted that FIR was registered against applicants with ill intention. If at all sale is illegal, complainant could have filed suit for cancellation of sale deed.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that in the written complaint, there is specific allegation that applicants fraudulently executed sale deed by stating Sanatan Pradhan, that he has to sign on documents as a witness. He further submits that amount of Rs.15,36,000/- as mentioned in sale deed is not deposited in account of Sanatan Pradhan, which itself shows that sale deed was executed without making payment to Sanatan Pradhan. Complainant has placed on record medical prescription of Sanatan Pradhan of one Dr Madhav (MD) of Orissa, in which it is mentioned that Sanatan is suffering from 'Bipolar' disorder. Lastly, he submits that Panchnama of residents of Saraipali is also available on record in which persons signing in Panchnama have stated that Sanatan Pradhan is not mentally fit.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant; though there is mention in sale deed with regard to payment of Rs.8 lakhs and Rs.7.36 lakhs through cheque but that was not deposited in account of seller of land ie Sanatan Pradhan and applicants stated that it was returned by him to applicants/purchasers; though it is case of applicants that they deposited some amount to Sanatan Pradhan, but they have not placed any material on record with regard to deposit or

payment of money to him, and further, Panchanama signed by residents of Saraipali, where applicants and Sanatan Pradhan are residing, mentioning about mental status of Sanatan Pradhan to be not normal, I do not find it a fit case to enlarge the applicants on anticipatory bail under Section 438 of CrPC. Accordingly, MCRCA-992 of 2021 is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma