

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1073 of 2021**

- Sukhi Charan Chouhan Son of Harishankar Chouhan, aged about 37 years, R/o village Changhori, police station and Tahsil Pusore, District Raigarh, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Jitendra Gupta, Advocate
For Non-applicant/State	: Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****08/09/2021**

1. Heard.
2. 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. 449/2021 registered at Police Station Chakradhar Nagar, District- Raigarh (C.G.) for the offence punishable under Section 420 of IPC.
3. Case of the prosecution is, that complainant was known to applicant as he used to visit his business place occasionally. Applicant has stated that he is having some land for sale. Complainant's wife visited land which was stated to be for sale by applicant. There wife of complainant found applicant along with one Sushil Gupta. Land was finalized by the wife of complainant and sale deed was executed on 14.07.2021 of the land recorded in the name of Vedvyas Gupta situated at village Pusore bearing khasra number 1067/2 (ch.) and khasra number 1091/3 measuring 4360 sqft. Sale deed was executed in the name of wife of complainant. Prior to execution of sale deed entire sale consideration of Rs. 4,95,000/- was paid. After execution of sale deed patwari of concerned halka namely Sachidanand Sahu given phone call to complainant on 29.07.2021 stating that the sale deed was executed by impersonating Vedvyas,

the sale deed was illegal. Based on the information received by complainant, complaint was lodged before the concerned police station and crime was registered against applicant, Sushil Gupta and Ashok Gupta.

4. Mr. Jitendra Gupta, learned counsel for the applicant submits that false and frivolous allegations have been levelled against him. Complainant is running a kirana shop and at some point of time applicant visited his shop. He is not witness to the sale deed nor present in the office of Registrar at the time of execution of sale deed, hence, applicant cannot be implicated in the instant crime. He submits that applicant may be enlarged on anticipatory bail.
5. Ms. Anjali Singh Chouhan, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that in the FIR and statement of complainant it has come that it is the present applicant who visited the business place of complainant and on his say, complainant's wife visited the spot at village Pusore where the land is situated and after finalizing rate, purchased the land for consideration of Rs. 4,95,000/- in the name of wife of complainant. She further read-over the statement of concerned halka patwari Sachindanand Sahu where it has come that Sushil Gupta is son of Vedvyas Gupta who is original owner of land. By giving wrong information to patwari that revenue documents are required for execution of lease, obtained the documents. Applicant accompanied with co-accused Sushil Gupta at that time, hence, involvement of applicant is much there as appearing from the material collected by the police in the case diary. Ashok Gupta executed sale deed showing himself to be Vedvyas Gupta.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration the nature of allegations, contents of FIR, statement of complainant as well as statement of Sachidanand Sahu who is patwari of that halka number, I am not inclined to allow this bail application for grant anticipatory bail to applicant.
8. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge