

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1090 of 2021**

- Jagatram Sahu S/o Shri Dukhi Ram Sahu Aged About 51 Years R/o Mopka , Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate , District Bilaspur , Chhattisgarh Arising Out Of Crime Number 289 Of 2021 Of Police Station Civil Lines, Bilaspur.

---- Respondent

MCRCA No. 1099 of 2021

- Tishu Rana @ Tisu Rana S/o Shri Soni Lal Rana @ Sonu Lal Rana Aged About 50 Years R/o Kududand Police Station Civil Lines District Bilaspur Chattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, District Bilaspur Chhattisgarh , Arising out of Crime Number 289 of 2021 of Police Station Civil Lines, Bilaspur.

---- Respondent

For Applicants : Shri Ranbir Singh Marhas, Advocate

For Respondent/ State : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/09/2021**

1. This applications under Section 438 of the Code of Criminal Procedure has

been filed by the applicants apprehending their arrest in connection with Crime No. 289/ 2021 registered at Police Station Civil Lines, Bilaspur C.G. for the offence punishable under Sections 420 r/w 34 of IPC.

2. As per the prosecution case, a report was made by one Sanjeet Kumar Minj that an agreement to purchase land bearing Khasra No.1872 and Khasra No.1852/1 at Mauja Mopka, which was recorded in the name of Amoli Dhruv. The agreement was executed to sell the said land and the advance was received instead the said land was sold to some third party on the basis of Power of Attorney and 14 registries were made till 2019. Thereby the offence has been committed by Amoli Dhruv and Tisu Rana and Jagatram Sahu were instrumental to execute such sale deed.
3. Learned counsel for the applicants would submit that in the earlier occasion the uncle of the complainant namely Bhakti Prakash Minj has made a report against the applicant and others which was enquired into by the Police Station, thereafter it was found the issue is about sale and purchase of the land and no cognizable offence was made out. It is further contended that subsequently in order to extract more money the second report was made by Sanjeet Minj whereas Bhakti Prakash Minj tried to save himself as much as possible, as other report has also been made against him stating that even after taking the money, work was not done. He further submits that these facts were not brought before this Court in the earlier round of adjudication, therefore the applicants case for anticipatory bail may be reconsidered.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and submits in the earlier occasion the bail has been rejected on merits and no ground is made out as of now and in the background of the case further custodial enquiry would be required.

5. Perused the earlier bail order dated 30.07.2021 which is dismissed on merits.
6. Primarily by holding that Tisu Rana and Jagatram Sahu mainly hatched the conspiracy to cheat the complainant and one person Amoli Dhruv, who has also been made accused on the basis of Power of Attorney and this Amoli Dhruv is illiterate person. Taking into such facts and further considering the fact that the earlier bail application was dismissed on merits, I do not find any fresh grounds to reconsider the anticipatory bail applications.
7. Accordingly, the anticipatory bail applications are dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti