

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1434 of 2020

Merry Michael Minj D/o Joseph Minj Aged About 36 Years R/o Village Raghunathpur, Chowki Raghunathpur, Police Station And Tahsil Lundra, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through the In-charge, Police Chowki- Raghunathpur, Police Station-Lundra District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

MCRCA No. 1458 of 2020

Shailendra Minj S/o Fulchand Minj Aged About 39 Years, Caste - Uraon, Resident of Village Raghunathpur, Chowki Raghunathpur, Police Station And Tahsil Lundra, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge, Police Chowki Raghunathpur, Police Station Lundra, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/03/2021

Heard.

1. These two bail applications are disposed off by this common order as both

the applications arise out of same crime number.

2. The applicants are apprehending their arrest in connection with Crime No.98/2020 registered in Police Chowki- Raghunathpur, Police Station- Lundra, District- Surguja (CG) for alleged commission of offence under Sections 420, 467, 468, 471, 120-B, 34 IPC.
3. At the outset, learned counsel for the applicants seeks to withdraw bail application (MCRCA No.1458 of 2020) of applicant- Shailendra Shrivastava on the submission that he is willing to surrender and apply for grant of regular bail before the Court below.
4. Accordingly, bail application (MCRCA No.1458 of 2020) of applicant- Shailendra Shrivastava is dismissed as withdrawn.
5. As far as co-accused Merry Michael Minj (MCRCA No.1434 of 2020) is concerned, the case of the prosecution, in brief, is that Merry Michael purchased a property by registered sale deed said to be executed by one Sonu Nageshiya *alias* Bhaira, whereas, according to the prosecution, on the date of alleged execution of sale deed, Sonu was not alive, but his brother Dhanu Nageshiya impersonated himself as Sonu and executed sale deed.
6. Learned counsel for the applicant would submit that the applicant is equally the victim of fraud committed on her. She is bonafide purchaser and had paid handsome amount of Rs.1,20,000/- to the seller who claimed himself to be Sonu, in respect of which, the applicant was not raising doubt because he was possessed of proper identification document like Aadhar Card etc. The sale deed was executed by Dhanu impersonating himself as Sonu and since this fact came to the notice of the present applicant, she immediately filed civil suit on 1.9.2020 seeking a declaration that sale deed be declared null and void as she was cheated and Dhanu was presented as Sonu.
7. On the other hand, learned counsel for the State opposed the bail application by submitting that as the applicant was the beneficiary of the sale transaction, *prima facie*, at this stage, the applicant is also involved because a purchaser is expected to undertake proper verification of the identity of the seller before purchasing the property.

8. On prima facie consideration, it is found that though the prosecution's allegation is that co-accused Dhanu impersonated as his brother Sonu by fabricating identification document showing his own photograph in the name of Sonu and proceeded to execute a sale deed in favour of present applicant, the present applicant filed a suit on 1.9.2020 which is prior to lodging of FIR dated 12.9.2020. Further, from details of the parties given in the sale deed which is said to be executed by impostor, the applicant is shown to be resident of a village other than the village of which Sonu was resident. Therefore, taking into consideration the aforesaid circumstances, present is a fit case for grant of anticipatory bail to applicant- Merry Michael Minj.
9. Accordingly, the application filed by Merry Michael Minj (MCRCA No.1434 of 2020) is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer, with following further conditions that: -

(i) the applicant shall make herself available for interrogation by the police officer as and when required;

(ii) the applicant 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge