

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1120 of 2021**

1. Shatruhan Lal Devangan S/o Late Motilal Devangan Aged About 52 Years
2. Akash Kumar Devangan S/o Shatruhan Lal Devangan Aged About 23 Years
3. Kamal Kumar Devangan S/o Shatruhan Lal Devangan Aged About 25 Years

All are R/o Village- Bhatapara Chhurikala, Thana- Katghora, District Korba Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through District Magistrate Korba, District- Korba Chhattisgarh

---- Respondent

For Applicants	: Shri Samir Singh, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15.09.2021

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.232 of 2021 registered at Police Station Katghora, District Korba, Chhattisgarh for commission of offenses punishable under Sections 420, 120B and 34 of IPC.
2. Case of the prosecution, in brief, is that, on 27.08.2021, written report was lodged by Shankar Rajak mentioning therein that when complainant was residing in another city, applicants came to his house at village Kunkura, District Ambikapur, where Muleriyabai, mother of complainant was present and applicant-1 stated that he has been sent by the complainant to keep his Bolero vehicle in a secret place as Shankar Rajak is absconding. Mother of complainant who knows applicant-1 being friend of complainant, handed over keys of Bolero vehicle to applicants. Thereafter, they took the vehicle, obtained NOC from Mahindra Finance Company and sold it to one Shyam Prasad Sahu

by forging signature of complainant. When complainant released from jail and after getting information from his mother regarding his Bolero vehicle, he came to the applicants, asked them to return his vehicle, for which they refused. Based on written complaint of complainant, FIR was registered against applicants.

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

4. Shri Samir Singh, learned counsel for the applicants would submit that there was dispute between applicant-1 and complainant since 2018. Applicant-1 has lodged FIR against son of complainant on 25.07.2018 making allegations that he took his Tata Safari bearing No.CG12A-2157 and mortgaged with some other person. Case of FIR bearing No.0242 of 2018 against son of complainant is pending consideration before Court of competent jurisdiction, present FIR has been lodged against applicants as a counter blast, only to pressurize applicants. He further submits that allegations against applicants are that they took Bolero vehicle owned by complainant and sold it by forging his signature, but there is no proof against such submission. Applicants-2 and 3 are sons of applicant- 1, hence, they may be enlarged on anticipatory bail. He further submits that complainant is a habitual criminal. There are as many as 17 criminal cases registered against him, within the jurisdiction of Khatgora and Kawardha and most of them are under Sections 420, 467, 468, and 471 and 34 of IPC and two are under Negotiable Instrument Act. All are of the year 2018 as appearing in Annexure A3.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that serious allegations have been levelled against applicants. In absence of complainant, applicant-1 came to the house, where mother of complainant was present, from whom they obtained keys of Bolero vehicle, and took the vehicle parked in garage with them. Thereafter, they sold it to Shyam Prasad Sahu by making forged signature of complainant. However, upon putting a query with regard to statement of Shyam Prasad Sahu, he submits that his statement is not available in case diary. He further pointed out that from 30.03.2018 till 05.08.2018, complainant was residing at different places/cities, hence, in his absence applicants have taken Bolero vehicle owned by him. Mother of complainant was residing with brother of complainant. After release of complainant from jail on 07.08.2020, written complaint was lodged in concerned Police Station.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicants, submissions made by learned counsel for the parties, the fact that applicant-1 has lodged report on 25.07.2018 against Ravi Rajak, son of complainant, making similar allegations of taking applicants' vehicle and mortgaged the same with some other person, and material available in case diary, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) That the applicants 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;
- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma