

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6993 of 2021

- Satyanand Chouhan S/o Vishambhar Chouhan Aged About 58 Years R/o Village Baghdadola, Tehsil Pusour, P. S. Pusour, District Raigarh Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pusour, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Shri BD Guru, Advocate
For Respondent/State : Shri Anil Tripathi, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

14.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.187 of 2021 registered at Police Station Pusour, District-Raigarh, Chhattisgarh for the offence punishable under Sections 294, 506, 420 of the IPC.

2. Case of the prosecution, in brief, is that, one Pushpa Meher lodged a written complaint in concerned Police Station on 20.08.2021, stating therein that on 02.01.2021, applicant entered into an agreement with complainant for sale of land bearing Khasra No.2, measuring 0.024 acres, situated at village Baghdadola. Agreement was executed on Rs.50/- Stamp paper and thereafter, complainant paid advance amount of Rs.1,20,000/-. On the date of execution of agreement, possession has also been handed over to complainant, but applicant has made several excuses for execution of sale deed. When complainant came to know

that land which applicant agreed to sale was Kotwari land, he approached applicant for return of money, to which he denied. Based on written report, aforementioned crime has been registered against applicant and he was arrested on 28.08.2021.

3. Shri BD Guru, learned counsel for the applicant would submit that absolutely false allegations have been levelled against applicant. He submits that possession of piece of land to which complainant agreed to purchase for total consideration of Rs.1,80,000/- has been handed over to him. On the date of execution of sale agreement, complainant has paid only Rs.50,000/- as advance and also obtained signature of applicant on blank stamp papers. Complainant has misused signature of applicant and mentioned that applicant has taken entire sale consideration of Rs.1,80,000/-, to which applicant has lodged report before the Station House Officer, Police Station Pusouri, District- Raigarh on 27.05.2021. After lodging of report by applicant against complainant, and also sending notice through advocate Shri Subhash Patel mentioning misuse of signed stamp papers of applicant, complainant has lodged false report against applicant. Copies are filed as Annexure A2 and A3 with postal receipt. Complaint is also made to Superintendent of Police against causing pressure and threat by SHO (Annexure A4). Applicant is in jail since 28.08.2021 and offences are triable by Magistrate, hence, he may be enlarged on regular bail.

4. Shri Anil Tripathi, learned State counsel opposing the submissions of learned counsel for the applicant, submits that after receiving written report, during the course of investigation, Police has seized Revenue

records of land in question and found that land has been recorded as government land and not as service land. He also submits that in sale agreement, it is stated that applicant has accepted advance amount of Rs.1,20,000/-but on the date of execution of agreement, it was valued at Rs.1,80,000/-. Complainant has paid Rs.60,000/- on 04.01.2021. In agreement, it is also mentioned that on the date of execution of agreement itself, possession of land has been handed over to complainant. He submits that allegation against applicant is that he agreed to sale Kotwari land, projecting it in his ownership. Hence, applicant is not entitled for regular bail. In support of his submissions, learned State counsel read over contents of FIR, as well as contents of agreement and statement of complainant recorded under Section 161 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration entire facts and circumstances of the case, nature of allegations against applicant, nature of complaint, applicant lodged complaint against complainant prior to filing of report against him, applicant is in jail since 28.08.2021 and offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to enlarge applicant on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma