

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1191 of 2021**

1. Smt. Rajkumari Suryavanshi, Aged about 35 years, W/o Shri Jagdish Chandra Suryavanshi,
 2. Jagdish Chandra Suryavanshi, Aged about 44 years, S/o Shri Rajkumar Suryavanshi,
- Both R/o Ward No. 09, Bhedimuda, Pathanpara, Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through S.H.O., P.S. Ratanpur, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicants : Shri Ravindra Sharma, Advocate

For Non-applicant/State : Shri Roshan Dubey, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****27.09.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.151 of 2021, registered at Police Station Ratanpur, District Bilaspur (C.G.), for offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant Amrit Bai aged about 86 years, has filed an application under Section 156(3) of Cr.P.C. before the Court of competent jurisdiction mentioning therein that while she was residing in the house of Santosh Singh (her son), Santosh Singh and other family members took her to Bilaspur on the pretext that she is required to

sign some bank documents for withdrawal of money. She was brought to Bilaspur and taken signatures on certain documents. While returning home, Santosh Singh snatched *Wrin Pustika* (Kisan Book) and other documents from her possession forcefully and abused her. Upon returning back to the house, she went to the house of another son, by name, Jagdev Singh and started residing there. When complainant went to her agricultural field, the person present there informed that agricultural field has been sold to some other person, complaint was made, but no action was taken by the Police. Complainant thereafter filed application under Section 156(3) of Cr.P.C. Based on the order of Court of competent jurisdiction, First Information Report was registered against the applicants and five others.

3. Shri Ravindra Sharma, learned counsel for the applicants would submit that applicant No.1 is purchaser of property through registered sale deed and applicant No.2 is husband of applicant No.1. He further submits that complainant has sold her land by executing registered sale deed in the office of Registrar. The dispute is between complainant and her two sons with regard to apportionment of sale consideration between them. Complaint was lodged on the pretext of other son Jagdev Singh against Santosh Singh but as applicant No.1 has purchased the land by paying agreed sale consideration, she has also been arrayed as accused along with her husband. Applicants have not committed any offence as alleged against them, hence, they may be entitled for anticipatory bail.

4. Per contra, Shri Roshan Dubey, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicants, would submit that Santosh Singh son of complainant and his family members took the complainant to Bilaspur informing wrong facts to her that she has to sign some bank documents and obtained signature on sale deed in the office of Registrar. The applicants being purchaser of the land are also involved in commission of crime, hence, they are not entitled for the benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegation, statement of complainant recorded under Section 161 of Cr.P.C.; further that applicant No.1 is purchaser of land through registered sale deed by making payment of agreed consideration and applicant No.2 is husband of applicant No.1 without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they 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.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge