

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7887 of 2020

- Sanjay Agrawal S/o Shri Mahangi Lal Agrawal Aged About 52 Years R/o School Para Baikunthpur, Tahsil Baikunthpur, District Koriya, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Baikunthpur, District Koriya, Chhattisgarh

---- Respondent

MCRCA No. 1733 of 2020

- Rajadas S/o Charandas Aged About 41 Years Caste- Panika, Occupation- Labourer, R/o Ward No. 9, Mahalpara, Baikunthpur, Distt. Koriya (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer / Thana Incharge, P.S.- Baikunthpur, Distt. Koriya (Chhattisgarh)

---- Respondent

For Applicants

Mr. RK Gupta, Advocate

For Respondent /State

Ms. Shivali Dubey, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****28/1/2021**

1. Heard.
2. Since both the bail applications arise out of the same crime number, they are being disposed of by a common order.

MCRC No.7887 of 2020

3. This is as application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant Sanjay Agrawal, who has been arrested in connection with Crime No.243/2020 registered at Police Station Baikunthpur, District Koriya (CG) for the offence punishable under Sections 294, 506, 342, 365, 420 and 120B of the IPC.

MCRCA No.1733 of 2020

4. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to applicant Rajadas, who is apprehending his arrest in connection with Crime No.243/2020 registered at Police Station Baikunthpur, District Koriya (CG) for the offence punishable under Sections 120, 294, 506, 342, 365, 420/34 of the IPC.
5. One Amrit Kumar has lodged FIR on 19.9.2020 alleging that the present applicants along with co-accused Rajesh Singh have abducted, abused filthily and criminally intimidated him and thereafter, got his signatures to execute the sale-deed on 16.10.2015 concerning his land bearing Khasra No.2 area 2.0200 hectare situated at village Salka, Patwari Halka No.12, Tehsil

Baikunthpur, Korea. It is stated in the FIR that he became aware of the sale-deed only on 6.7.2020 and thereafter, he verified and lodged the report on 19.9.2020.

6. However, this explanation does not appeal to this Court for the reason that any agriculturist, who is deprived of his land for about 5 years, would not keep quiet and more so, when in the State of Chhattisgarh sale of paddy and bonus amount thereon is a prized possession. If any agriculturist is deprived of the price of paddy and bonus, under ordinary circumstances, he will not keep quiet for such long period of 5 years.
7. Having considered the material available in the case diary, I am inclined to release applicant Sanjay Agrawal in MCRC No.7887 of 2020 on regular bail and extend benefit of Section 438 of Cr.P.C. to applicant Rajadas in MCRCA No.1733/2020.
8. Accordingly, both the applications are **allowed**.
 - **Applicant Sanjay Agrawal** is directed to released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
 - In the event of arrest of **applicant Rajadas**, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) he 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna