CGHC010430432026 2026:CGHC:46565

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1828 of 2026

Prafull Agrawal S/o Late Shri Ashok Kumar Agrawal Aged About 60 Years R/o House No. 74, Green Avenue, Daldal Seoni, Mowa, Raipur District Rapiur Chhattisgarh. (Sivni And Mova Spelling Wrongly Mentioned In The Ordersheet Annexure A/1). **... Applicant**

versus

State Of Chhattisgarh Through- Station House Officer, Police Station Hathband, Tehsil Simga, District Balodabazar Bhatapara, (Chhattisgarh) **...Respondent**

For Applicant	**:** Mr. Anil Khare, Senior advocate, with Mr. Priyank Agrawal and Abhishkek Chandra, Advocate.
For Respondent-State	**:** Mr. H.A.P.S. Bhatia, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

03/11/2026

1. Applicant has preferred this application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 209/2026 registered at Police Station - Hathband, Tehsil Simga, District Balodabazar Bhatapara (C.G.) for the offence punishable under Sections 318(2), 318(4), 61(2), 201, 336, 338, 339, 340(2), 111 and 3(5) of the BNS.

2. The prosecution case, in brief, is that the applicant obtained an Agriculture Infrastructure Term Loan of Rs. 10,00,00,000/- (Rupees Ten Crores Only) from UCO Bank, Main Branch, Raipur (hereinafter referred to as "the Bank") on 18.12.2025 for the purpose of polyhouse-based orchid cultivation, by mortgaging agricultural land bearing Khasra Nos. 380/36, admeasuring 4.047 hectares, and 380/37, admeasuring 0.405 hectares, situated at Village Mohbhatta, Tehsil Simga, District Balodabazar-Bhatapara, Chhattisgarh (hereinafter referred to as "the said land"). It is alleged that, at the time of sanction of the loan, the applicant concealed the fact that proceedings for acquisition of the said land had been proposed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is further alleged that the acquisition proposal had been recorded in the revenue records on 28.05.2025 and that the Bank sanctioned the loan without properly examining the relevant records. It is also alleged that the complainant's office had requested the Bank to remove the mortgage over the said land; however, the mortgage had not been removed from the revenue records as on the date of lodging of the complaint. The prosecution further alleges that the proposed polyhouse had not been constructed on the said land.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. He further submits that, from the reasons assigned in the FIR, it appears that the date 28.05.2025 has been presumed to be the date of issuance of the notification for acquisition of the land.

However, on the said date, no preliminary notification under Section 11 of the Right to Fair Compensation and Transparency Act, 2013, had been issued. He further points out that the notification under Section 11(1) of the Act of 2013 was issued on 13.04.2026, which has been placed on record as Annexure A-8. He also submits that, as envisaged under sub-section (4) of Section 11 of the Act of 2013, owner of the land, which is the subject matter of the preliminary notification, is restrained from carrying out any transaction in respect thereof only after issuance of the notification under Section 11(1). In the present case, the loan was sanctioned on 18.12.2025, much prior to the issuance of the aforesaid notification; therefore, no offence, has been committed by the applicant. He further points out that the loan was initially sanctioned in two accounts, amounting to Rs. 8 Crores and Rs. 2 Crores, respectively, out of which an amount of Rs. 6 Crores was initially disbursed in favour of the applicant. He contends that the entire loan amount has been repaid and, in this regard, a certificate dated 09.10.2026 has been issued by the concerned Bank, i.e., UCO Bank, Raipur. He submits that the applicant will co-operate in the investigation.

4. Learned State counsel opposes the application and submits that, from the contents of the FIR, it is clearly reflected that the notification was issued on 28.05.2025, and only thereafter, the loan was sanctioned on 18.12.2025. In support of his contention, he refers to two memorandums dated 28.05.2025.

5. I have heard learned counsel for the parties and perused the case diary as well as the documents enclosed with the bail application.

6. Perusal of Annexure A-8 would show that it is a notification issued by the Collector, Balodabazar-Bhatapara, on 13.04.2026 under Section 11(1) of the Act of 2013, declaring the preliminary notification in respect of the lands situated at Village Mohbhatta, Tehsil Simga, District Balodabazar-Bhatapara , for the purpose of acquisition for industrial purposes. The documents referred to by learned State counsel are memorandums issued by the Sub-Divisional Officer (Revenue) to the Sub-Registrar, Simga. These documents are not notifications issued under Section 11(1) of the Act of 2013, they are communications issued by the Sub-Divisional Officer to the Sub-Registrar, Simga, informing him about the proceedings proposed to be initiated for acquisition of the land and further stating that no transfer of the land would be permissible after issuance of the notification.

7. Upon being specifically asked about the repayment of the loan amount, learned State counsel fairly submits, on the basis of instructions received, that the loan amount sanctioned in favour of the applicant has been repaid.

8. Considering entirety of the facts and circumstances of the case, nature of the allegations, copy of the notification issued under Section 11(1) of the Act of 2013 on 13.04.2026 enclosed with the application, and the fact that the loan amount has already been repaid, without commenting anything on the merits of the case, I am inclined to allow this anticipatory bail application.

9. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question

(209/2026), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

(i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
(ii) that 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/her from disclosing such facts to the Court or to any police officer;
(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial;
(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(**Parth Prateem Sahu**)
JUDGE

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