



2024:CGHC:49584

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No. 1439 of 2024**

1 - Gajendra Sahu S/o Chamru Sahu Aged About 48 Years R/o Ward No. 14, Basna Post And Tehsil Basna, District- Mahasamund, Chhattisgarh.

2 - Jyotish Sahu S/o Digrilal Sahu Aged About 54 Years R/o Ward No. 02, Basna, Post And Tehsil Basna, District- Mahasamund, Chhattisgarh.

... Applicants**versus**

State Of Chhattisgarh Through Police Station Basna, District- Mahasamund, Chhattisgarh.

... Non-applicant**MCRCA No. 1443 of 2024**

Pramod Kumar S/o Banarsi Lal Aged About 45 Years R/o Basna, Post And Tehsil Basna, District Mahasamund Chhattisgarh.

... Applicant**versus**

State Of Chhattisgarh Through Police Station Basna, District Mahasamund Chhattisgarh.

... Non-applicant

For Applicants : Mr. Manoj Paranjpe as well as Mr. Aditya Dhar Diwan, Advocate.

For Non-Applicant/State : Mr. U.K.S. Chandel, Dy. Adv. General.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****16.12.2024**

- Since the above two bail applications are arising out of same crime number so they are being heard and decided by this common order.

2. These first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 have been filed by the applicants, who are apprehending their arrest in connection with Crime No. 541/2024 registered at Police Station – Basna, District – Mahasamund (C.G.) for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. The prosecution's case is that a FIR for the incident was lodged on 21.11.2024, regarding an incident alleged to have occurred 13 years ago, on January 23, 2011. The FIR was lodged by Ramchandra Agrawal, a member of the Narsingh Shiksha Samiti. The FIR alleges that on March 21, 2011, the applicant executed a registered sale deed for Khasra No. 328/1 क, 328/1 ड, 328/1 ख, 328/1 घ, 328/3, covering an area of 3477 square feet. It is claimed that the applicants did not execute the sale deed for the land shown prior to its execution and instead sold different land. Furthermore, it is alleged that the adjacent landowner applied for demarcation, which revealed that the subject land is government-owned. Despite repeated requests, the sellers allegedly failed to provide the land. A copy of the FIR is attached as Annexure A/2.
4. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in this case. They submits that the subject land is private land recorded in the names of individuals since 1950. Over time, the property was transferred from one person to another. Now, after nearly 75 years, a dispute has been raised, alleging that the subject land is government land. They also submits that the dispute has been raised after nearly 13

years, despite the land being utilized for a school playground, garden, and parking. The society is already in possession of 3477 square feet of land and is enjoying the property. They further submits that the applicants purchased the property through a registered sale deed dated January 18, 2010, and executed the sale deed for a specific portion of the property. Multiple sale deeds were executed, but only the society/complainant has raised a dispute, for reasons best known to them. They submits that the dispute is primarily of a civil nature. The registered documents exist, and the registered sale deed has not been canceled by a competent civil court. Moreover, the purchaser is enjoying the property. Unnecessarily, a dispute over identity has been raised, nearly 13 years later. They also submits that the present applicants have no criminal antecedent, therefore, they prays for grant of anticipatory bail to the present applicants.

5. On the other hand, learned State counsel, appearing for the non - applicant/State, opposes the anticipatory bail application of the present applicants and submits that applicants, in connivance with others, committed fraud by selling government land. Therefore, they are not entitled for grant of anticipatory bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, it appears from the case diary that the incident occurred on January 23, 2011, and the FIR was lodged against the applicants after a delay of 13 years. Furthermore, the applicants have no criminal antecedents,

therefore, without further commenting anything on merits, I am inclined to grant anticipatory bail to the present applicants.

8. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicants – **Gajendra Sahu, Jyotish Sahu and Pramod Kumar** on executing a personal bond and one surety each in the like sum to the satisfaction of the arresting Officer, they shall be released on bail on the following conditions:-

(a) 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 fact to the Court.

(b) They shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) The applicants and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) They shall not involve themselves in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal