

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3408 of 2017

- Tanveer Singh @ Raj S/o Amrit Singh, Aged About 33 Years, R/o Village Jhalmala, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Chakradhar Nagar, District- Raigarh, Chhattisgarh.

---- Non-applicant

And

MCRCA No. 118 Of 2017

- Raghubir Singh Wadhwa S/o Late Ravelsingh Wadhwa, Aged About 57 Years, R/o. 22 Kirodimal Colony, Raigarh, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh, through Police Station Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Non-applicant

And

MCRCA No. 284 Of 2017

- Sanjeet Singh S/o Raghubir Singh Wadhwa, Aged About 29 Years, Occupation Business, R/o. House No. 22, Kirodimal Colony, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through the Station House Officer, Police Station Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Non-applicant

And

MCRC No. 3719 Of 2017

- Yogesh Makhija @ Putru Son of Udham Das, Aged About 41 Years, Resident of Village Boirdadar Chowk, Raigarh, Police Station Chakradhar - Nagar Raigarh Chhattisgarh., At Present Resident of Infront of Circuit House, Sadangi Colony, Raigarh, Tahsil and District Raigarh Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through : Station House Officer, Police Station Chakradharnagar, Civil and Revenue District Raigarh Chhattisgarh.

---- Non-applicant

And

MCRC No. 3964 Of 2017

- Set Kumar Seth S/o Suku, Aged About 28 Years, R/o Village Kotarliya, Raigarh Police Station and Tahsil & District- Raigarh, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Chakradharnagar, Raigarh, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Hamida Siddique, Advocate (in MCRC No.3408/2017),
Mr. Manoj Paranjpe, Advocate (in MCRC No.118/2017),
Mr. B.D.Guru, Advocate (in MCRC No.284/2017),
Mr. Vipin Punjabi, Advocate (in MCRC No.3719/2017),
Mr. Tarkeshwar Nande, Advocate (in MCRC No.3964/2017).

For Non-applicant/State – Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-10-2017

1. All these matters arise out of the same Crime No.14/2017 registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh, C.G. for offence under Section 420, 467, 468, 471, 419, 120-B, 34 of the IPC, hence they are decided by this common order.
2. Learned counsel for applicant Tanveer Singh @ Raj in MCRC No.3408/2017 submits that the applicant has been falsely implicated in the case only on the basis of statement of co-accused Goutam Yadav and there is no other evidence against him. He is in jail since 22-03-2017. Charge sheet has been filed. Hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for applicant Raghubir Singh Wadhwa in MCRC No.118/2017 submits that the applicant is nobody in this transaction between the seller of the land. He has been implicated in this case only for the reason that his son Sanjeet Singh Wadhwa had been the purchaser of the land in question from the person impersonating the seller. It is also submitted that the applicant and his son both have filed CRMP No.980/2017 before this Court in which interim relief has been granted in their favour after consideration of the

merits of the case. There is no involvement of the applicant. Further, the complaint that is filed by the original owner of the land also does not mention the name of the applicant as one of the accused. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

4. Learned counsel for applicant Sanjeet Singh in MCRCA No.284/2017 submits that the applicant was approached by land broker Yogesh Kumar Makhija and Prem Kaser/Sahu. It was on their proposal that the applicant negotiated and purchased the land in question. It were the Yogesh Kumar Makhija and Prem Kaser/Sahu who identified the vendor as Jaidev Dhoba with whom the applicant had no acquaintance previously. Believing in the statement made by Yogesh Kumar Makhija and other he participated in the execution of the sale-deed and has paid all the consideration as agreed. It is further submitted that as soon as he came to know about this fraud and personification committed in execution of the sale-deed, he has immediately made a complaint to Superintendent of Police and also filed a civil suit for cancellation of sale-deed executed in his favour. Hence, it is prayed that he may be granted anticipatory bail.

5. Learned counsel for applicant Yogesh Makhija @ Putru in MCRC No.3719/2017 submits that the applicant is simply a land broker. He was approached by the vendor of the land presenting himself as Jaidev Dhoba and believing in his statement he mediated in the negotiation of the land. It is submitted that a 22 point report submitted by the Patwari which was approved by the Tahsildar, hence, there was no reason to disbelieve this report and to believe that the vendor was impersonator. Hence, the applicant has been falsely implicated in this case. Hence, it is prayed that the applicant may be enlarged on bail.

6. Learned counsel for applicant Set Kumar Seth in MCRC No.3964/2017 submits that the applicant has been falsely implicated in the case only on the basis of statement of co-accused Goutam Yadav and there is no other

evidence against him. He is in jail since 16-01-2017. Charge sheet has been filed. Hence, it is prayed that the applicant may be enlarged on bail.

7. Learned counsel for the State/non-applicant opposes the application of all the applicants and submissions made in this respect. It is submitted that applicant Yogesh Makhija @ Putru is a broker who has with the help of applicants Tanveer Singh @ Raj and Set Kumar Seth motivated the main accused Goutam Yadav to impersonate and execute the registered sale-deed and other applicants namely Raghubir Singh Wadhwa and Sanjeet Singh are beneficiaries of these transactions. Hence, it is submitted that all the applicants /accused persons have worked in unison in commission of offence of cheating by impersonation. It is prayed that all the applications may be rejected.

8. Heard learned counsel for the parties and perused the case diary.

9. After considering on the submissions made and the contents for the case diary in MCRC No.3408/2017, MCRC No.3719/2017, MCRC No.3964/2017 and looking to this fact that applicant Tanveer Singh @ Raj is in jail since 22-03-2017, applicants Yogesh Makhija @ Putru and Set Kumar Seth are in jail since 16-01-2017, no purpose would be served if they are kept in detention. Thus, for these reasons applications filed under Section 439 of Cr.P.C. by these applicants deserve to be allowed.

10. Consequently, MCRC No.3408/2017, MCRC No.3719/2017, MCRC No.3964/2017 filed under Section 439 of the Cr.P.C. by applicants Tanveer Singh @ Raj, Yogesh Makhija @ Putru and Set Kumar Seth are hereby allowed. It is directed that the applicants Tanveer Singh @ Raj, Yogesh Makhija @ Putru and Set Kumar Seth shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

11. Considering on the submissions made in MCRC No.118/2017 and MCRC No.284/2017 filed by applicants Raghubir Singh Wadhwa and Sanjeet

Singh, I am of this view that both the applicants are entitled for grant of anticipatory bail.

12. Accordingly, the anticipatory bail applications (MCRCA No.118/2017 and MCRCA No.284/2017) filed under Section 438 of the Cr.P.C. by applicants Raghubir Singh Wadhwa and Sanjeet Singh are hereby allowed. It is directed that in the event of arrest of applicants Raghubir Singh Wadhwa and Sanjeet Singh in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

13. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge