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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1439 of 2020

Deepak Thakur S/o Late Shatruhan Singh Thakur Aged About 50 Years R/o Multani Para Ward No. 16, Dongergarh, Tah.- Dongergarh, District- Rajnandgaon, Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh Through- The Station House Officer, P.S.- Dongergarh, District- Rajnandgaon, Chhattisgarh

---- Respondent

MCRCA No. 1474 of 2020

Rajnarayan Chandel S/o Nepal Singh Chandel, Aged About 53 Years R/o Multani Para Ward No. 16, Dongergarh, Tahsil- Dongergarh, District - Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P.S.- Dongergarh, District- Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh

---- Respondent

MCRCA No. 1592 of 2020

Chanda Bai Lodhi @ Chanda Janghel W/o Puran Lal Lodhi @ Puran Das Janghel Aged About 67 Years R/o G-21, Sector-1 Atm Chowk Avanti Vihar, Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through SHO Police Station, Dongergarh District Rajnandgaon, Chhattisgarh

---- Respondent

For Respective Applicants : Shri B.P. Singh and Shri Rakesh Thakur,
Advocates

For State : Ms. Samiksha Gupta, Panel Lawyer
For Objector : Shri Vivek Chopda, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2021

Heard.

1. These bail applications are disposed off by this common order as they all arise out of same crime number.
2. The applicants are apprehending their arrest in connection with Crime No.403/2020 registered in Police Station-Dongargarh, District-Rajnandgaon (CG) for alleged commission of offence under Sections 420,467,468,471/34 IPC.
3. Case of the prosecution, in brief, is that accused/applicant Chanda Bai Lodhi claims to have purchased land admeasuring 1800 sq.ft. from Deendayal by registered sale deed dated 20.7.1977. According to prosecution, Chanda Bai had purchased 1800 sq.ft of land and not 1798 sq.ft. However, later on, Chanda Bai got a mutation made in her favour on the basis of the forged sale deed showing sale of 1798 sq.ft. of land. Later on, accused- Rajnarayan Chandel, the Power of Attorney Holder sold that land to another co-accused Deepak Thakur.
4. Learned counsel for the applicants would submit that the complainant is the brother of seller Deendayal who sold property under two registered sale deeds i.e. sale deed dated 20.7.1977 and sale deed dated 21.5.1979 in favour of Chanda Bai. Mutation were made at that time only on the basis of these sale deeds and Chanda Bai has not claimed mutation on the basis of another sale deed. It is said that the complainant has started disputing various mutations made in the past in respect of the sale deed dated 20.7.1977 and even if it is accepted that there are certain discrepancies in the mutation records, it cannot be said that the mutation was based on any forged sale deed because there is no such document on record of the prosecution in the investigation so far conducted. Learned counsel for the applicants further submits that applicant- Chanda Bai is a lady, applicant- Rajnarayan is Power

of Attorney Holder and applicant- Deepak Thakur is a subsequent purchaser. The complainant, before lodging report, had filed suit challenging legality and validity of the sale deed and then later on, an attempt has also been made to turn a civil dispute into a criminal case. Therefore, at this stage, it is prayed, the applicants may be protected by giving them benefit of anticipatory bail.

5. On the other hand, learned counsel for the State and counsel for the Objector opposed the bail applications by submitting that as far as original sale deed dated 20.7.1977 is concerned, it was only in respect of land admeasuring 1800 sq.ft. which was sold by Deendayal, brother of the complainant to Chanda Bai. That sale deed has been separately challenged by filing civil suit by the complainant. The complainant, later on, came to know that in respect of another land admeasuring 1798 sq.ft., a mutation order was passed by the mutation authority in favour of Chanda Bai, whereas, there is no sale deed in favour of Chanda Bai in respect of land admeasuring 1798 sq.ft., which means that Chanda Bai produced a forged sale deed before the mutation authority and on that basis, the mutation order was passed. When this came to notice and knowledge of the complainant, a criminal case has been separately registered. During investigation, when information was sought from the office of Registrar (Stamps & Registration), it has been informed that there is no sale deed dated 20.7.1977 in respect of land admeasuring 1798 sq.ft. alleged to be sold by Deendayal in favour of Chanda Bai. Therefore, a prima facie case is made out that on the basis of a forged sale deed, mutation order was obtained.
6. On prima facie consideration, it is found from the case diary that there already existed a dispute between Chanda Bai and purchaser on one hand and complainant- Dhansingh on the other hand when Dhansingh filed suit in the month of June 2012 challenging legality and validity of sale deed dated 20.7.1977 (land admeasuring 1800 sq.ft.) and sale deed dated 18.5.1979 (land admeasuring 1490 sq.ft.) stating that his brother Deendayal unauthorizedly sold his share. The applicants before this Court have placed on record a document said to be settlement and relinquishment in favour of Deendayal. Preparation of forged sale deed is based on the allegation that in the mutation which was done, there is mention of land admeasuring 1798 sq.ft.,

whereas Chanda Bai had purchased land admeasuring 1800 sq.ft. under sale deed dated 20.7.1977. There is nothing on record to show that in the mutation records, Chanda Bai had submitted any sale deed dated 20.7.1977 in respect of land admeasuring 1798 sq.ft. Moreover, this Court also takes into consideration that mutation proceedings is done after inviting objections. The records also does not show that order of mutation passed in favour of Chanda Bai was challenged in any revenue appeal. Therefore, taking into consideration the entire aspects of the matter and also taking into consideration that the revenue records is not found containing any sale deed dated 20.7.1977 admeasuirng 1798 sq.ft and that this is certainly lesser than 1800 sq.ft. to which Chanda Bai was entitled by virtue of sale deed dated 20.7.1977 and further taking into consideration that applicant-Chanda Bai is a lady stated to be aged 67 years and that other applicants are either Power of Attorney Holder or subsequent purchaser, I am inclined to extend the benefit of anticipatory bail to the applicants.

7. Accordingly, all the three bail applications are 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 bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer, with following further conditions that: -

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

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge