



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRCA No. 1595 of 2021

- Kalpana Pandey W/o Devendra Pandey aged about 56 Years R/o C-31, Maharana Pratap Nagar, Korba Tehsil and District Korba Chhattisgarh

--- Applicant

VERSUS

- State of Chhattisgarh Through Station House Officer, Police Chouki Manikpur, Police Station Kotwali Korba District Korba Chhattisgarh

---- Non-applicant

WITH

MCRCA No. 1596 of 2021

- Devendra Pandey S/o Late Kashi Prasad Pandey aged about 61 Years R/o C-31 Maharana Pratap Nagar, Korba, Tehsil and District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Chauki Manikpur Thana Kotwali, Korba, District Korba Chhattisgarh.

---- Non-applicant

WITH

MCRCA No. 1597 of 2021

- Ashish Shukla S/o Shri J. P. Shukla Aged About 41 Years R/o Near Santoshi Mata Mandir, Chantidih, Tehsil Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Through Station House Officer, Police Outpost Manikpur, Police Staion Kotwali Korba District Korba Chhattisgarh

---- Non-applicant

16.12.2021	Mr. Mr. Shailendra Shukla, Advocate with Mr. Arjit Tiwari, Advocate for applicant. Mr. Dinesh Tiwari, Dy. Government Advocate for the State. Heard.



Admit.

Call for the case diaries.

Learned State counsel is directed to call for the criminal antecedents of the applicants, if any.

Also heard on I.A. No. 1/2021, in all the applications, which are applications for grant of ad-interim bail.

Case of prosecution is, that applicant Devendra Pandey in MCRCA No. 1596/2021 entered into an agreement for purchase of land bearing khasra No.208/5 measuring 0.60 acres and khasra No. 208/6 measuring 0.40 acres of land. Thereafter, sale deed got executed in the name of applicant Ashish Shukla in MCRCA No. 1597/2021, total sale consideration was agreed to be paid as Rs. 16 Lakhs. At the time of entering into agreement to sale, seller was paid Rs. 4 Lakhs and in the year 2005 further payment of Rs. 4,80,000/- was paid but rest of the amount of Rs. 7,20,000/- has not been paid till date to seller who was father of complainant. It is also an allegation that subsequently one cheque of the account of applicant Kalpana Pandey in MCRCA No. 1595/2021 of Rs. 4 Lakh was handed over to seller but that could not be honored, further, Devedendra Pandey also handed over the cheque of Rs. 4 Lakh which also could not be honored, hence, applicants committed aforementioned crime registered against them.

Mr. Shailendra Shukla, learned counsel for applicants submits that the allegations levelled against applicants are absolutely false and baseless. All the payments as agreed between the parties have been





paid at the time of execution of sale deed and when the cheque was not honored, cash amount has been paid. He also submits that content of allegations is purely of civil nature, if any, complaint lodged after 15 years of alleged transaction is only politically motivated and prays that ad-interim protection may be granted to applicants till the final hearing of application.

Mr. Dinesh Tiwari, learned State counsel would oppose the prayer made by learned counsel for applicants and submits that from the contents of FIR it is prima facie evident that since the date of execution of sale deed applicants were having intention not to pay agreed consideration amount, hence, there is prima facie involvement of applicants in the instant crime.

Considering the submissions of learned counsel for the parties, nature of allegations, fact that the sale deed was executed in the year 2005 and FIR was lodged only on 29.11.2021, execution of sale deed between parties is not in dispute, I find it to be a fit case to allow I.A. 1/2021 in all the applications.

It is directed, that in the event of arrest of applicants in connection with the crime in question (1129/2021), applicants shall be released on ad-interim bail by the Officer arresting them on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the Arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation 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 him by the said Court till disposal of the trial.

This order shall remain in operation till final disposal of these applications.

List the matter for final hearing in due course.

Certified Copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

