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M.Cr.C(A) No.1595 of 2021 and others

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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C(A) 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

M.Cr.C(A) 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 Station House Officer, Police Outpost
Manikpur, Police Station Kotwali Korba District Korba Chhattisgarh

---- Non-Applicant

M.Cr.C(A) No. 1596 of 2021

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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

For Applicants:

Dr. Nirmal Shukla, Sr Advocate along
with Shri Arjit Tiwari, Advocate.

For Objector:

Shri Sanjay Agrawal, Advocate.

For Non-Applicant/State :

Shri Roshan Dubey, PL.

**Hon'ble Shri Justice Deepak Kumar Tiwari****Order on Board****21.03.2022**

1. These 1st anticipatory bail applications under Section 438 of the Code of Criminal Procedure have been filed by the Applicants, who are apprehending their arrest in connection with Crime No.1129/2021 registered at Police Station – Police Chauki Manikpur Thana Kotwali Korba, District – Korba, Chhattisgarh for the offence punishable under Section 420/34 IPC.

2. Prosecution case is that the applicants entered into an agreement for sale on 12.9.2005 of the land bearing Khasra No.208/5 and 208/6 admeasuring 1.00 acres out of 1.80 acres to the tune of Rs.16 lakhs in the year 2005 and the applicants have paid Rs.8,80,000/- only and the remaining amount has not yet been paid, therefore, on 29.11.2021, the FIR has been lodged.

3. Learned counsel for the Applicants submits that the applicants are innocent persons and have been falsely implicated in the case. He further submits that complainant's father Dhanauram Patel has never raised any objection and also not challenged the sale-deed, which was duly registered. He also submits that the FIR has been lodged after 16 years from the alleged cause of action. He submits that due to political rivalry, a false case has been made out, therefore, he prays to extend the benefit of Section 438 of Cr.P.C. to the applicants.

4. Per contra, learned Counsel for the State and the Objector



oppose the bail applications and submit that there are several cases of cheating registered applicant Devendra Pandey and he being the Chairman of the Cooperative Bank, has defrauded crores of public money and thereby, huge fraud has been committed. Therefore, looking to the conduct of applicants, the applicants are not entitled to be extended the benefit of Section 438 of Cr.P.C.

5. Having considered the submissions of learned counsel for the parties, nature of allegations particularly considering that the registered sale-deed has already been executed in favour of applicant Ashish Shukla and also considering that the complainant's father has not challenged the sale-deed and further, without conducting any preliminary enquiry, the FIR has been lodged, this Court is of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicants.

6. Accordingly, the bail applications filed under Section 438 of the Cr.P.C. are **allowed** and it is directed that in the event of arrest of the Applicants, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with one surety each for the like sum to the satisfaction of the arresting officer on the following conditions:-

(a) they shall make themselves available for interrogation by the concerned police officer as and when so required,

(b) 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 or to any police officer,



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(c) they shall not act in any manner which will be prejudicial to fair and expeditious trial,

(d) after filing of the charge sheet, they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

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

Sd/-

(Deepak Kumar Tiwari)
Judge

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