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MCRC-39024-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 13th OF SEPTEMBER, 2024MISC. CRIMINAL CASE No. 39024 of 2024*JITENDRA**Versus**STATE OF MADHYA PRADESH*

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Appearance:

Shri Gourav Shrivastava - Advocate for the applicant.

Shri Amit Bhatia - GA For respondent/State.

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ORDER

1. This first application under Section 482 of BNSS, 2023 has been filed for grant of anticipatory bail.

2. The bail applications of the co-accused persons were dealt with by Coordinate Benches of this Court. However, the Hon'ble Judge who had decided the bail applications of the co-accused have already retired, therefore, this case has been listed before this Court.

3. The applicant apprehends his arrest in an offence which was registered in the year 2017. It appears that the land in question was acquired sometime in the year 2003. The applicant purchased the said land from one Mangilal in the year 2012 and thereafter executed an agreement to sale in favor of the co-accused who initially alienated the property to Sarvesh Jhawar for an amount of Rs. 16 lacs and thereafter, the co-accused Narendra Patel and Laxmikant Patel took Rs. 35 lacs from the complainant on the



pretext of selling the land, whereas the land belongs to M.P. Housing Board. Although counsel for the applicant tried to suggest that the acquisition proceedings were not finalized but there is nothing on record to substantiate the same. Even otherwise, whenever a notification is issued intending to acquire the land, then a statutory injunction will come into operation and the owners of the land are statutorily restrained from dealing with the said land and any document of transfer would be a void document.

4. In this present case the land was acquired in the year 2003. The applicant purchased it from Mangilal in 2012 and thereafter, entered into an agreement with co-accused Laxmikant Patel and Narendra Patel who cheated two persons by taking Rs.16 lacs and Rs.35 lacs respectively.

5. Considering the nature of allegations coupled with the fact that the applicant is absconding for the last 7 years, no case is made out for grant of anticipatory bail.

6. The application fails and is hereby **dismissed**.

Certified copy as per rules.

(G. S. AHLUWALIA)
JUDGE