CGHC010272722026 2026:CGHC:30468

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1131 of 2026

Manish Poptani S/o Lt. Suresh Poptani Aged About 44 Years R/o Jail Road, Sai Nagar, Opposite Krishna Apartment, Raipur, C.G.

... Applicant

versus

State of Chhattisgarh Through S.H.O. P/s Ganj, Raipur, C.G.

... Non-applicant

For Applicant	:	Mr. Akash Mishra, Advocate.
For Non-applicant/State	:	Mr. Saumya Rai, Deputy Govt. Advocate

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

17.07.2026

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 197/2026 registered at Police Station Ganj, Raipur, District Raipur, (C.G.) for the offence punishable under Sections 193 and 420 of the Indian Penal Code, 1860.

2. The prosecution story, in brief, is that the complainant, Kamlesh Kumar Kurmi, submitted a written complaint alleging that Shri Vivek Agrawal, Director of 24X7 E Power Limited, is the owner and person in possession of land bearing Khasra No. 117/01, Sheet No.

RAHUL DEWANGAN

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23, Plot Nos. 28, 29 and 30, admeasuring 7419 square feet, situated at Village Fafadih, P.H. No. 108, Revenue Inspector Circle, Tahsil and District Raipur. It is alleged that the said land was originally recorded in the name of Suresh Popatani, who carried on business in the name of M/s Manish Industries through his son, Manish Popatani, as proprietor, and for the said business they had obtained a term loan and cash credit facility from Central Bank of India, Fafadih Branch, by mortgaging the aforesaid land as security. Upon their failure to repay the loan amount, the mortgaged property was attached and sold by the Central Bank of India to Vivek Agrawal. Despite having knowledge of the said sale, it is alleged that Manish Popatani, by relying upon false documents, including a fabricated sales certificate and a false affidavit, got the land recorded in the name of his father, Suresh Popatani, and after the death of Suresh Popatani, obtained a succession-based mutation order in favour of himself, his brother Amit Popatani and his mother Indira Devi Popatani by falsely projecting themselves as the legal heirs, thereby dishonestly and fraudulently attempting to usurp the land belonging to Vivek Agrawal. On the basis of the said complaint and supporting documents, Crime No. 197/2026 was registered at Police Station/Outpost Ganj, Raipur for offences punishable under Sections 420 and 193 of the Bharatiya Nyaya Sanhita, and during investigation the statements of the complainant and Vivek Agrawal were recorded and a spot map was prepared. Hence, the present anticipatory bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case arising out of a purely civil dispute relating to title and mutation of the property in question. It is contended that the entire prosecution case is founded on incorrect, concocted and fabricated facts and that no ingredients of the alleged offences are made out against the applicant. He further submits that the alleged incident pertains to the year 2012, whereas the FIR has been lodged only in the year 2026 after an unexplained delay of about fourteen years, which itself casts serious doubt on the veracity of the allegations. It is argued that the applicant, along with the other legal heirs of late Suresh Poptani, got their names mutated in the revenue records as legal heirs of the recorded owner and that the mutation proceedings now alleged to be forged were never initiated by the applicant. According to the applicant, the disputed mutation application appears to have been filed by some other person, as a comparison of the relevant applications would show that they were written by the same hand and even the signatures appearing thereon do not belong to the applicant. He also points out that the order-sheet relating to the alleged mutation records production of the original sale certificate, whereas the complainant claims to have remained in possession of the original sale certificate at all times, thereby rendering the prosecution version inherently doubtful. It is further contended that there exists another adjacent property in the same khasra number and, since the auctioned property has allegedly been encroached upon by various persons, the present FIR has been lodged with an ulterior motive to lay claim over the property belonging to the applicant and the other legal heirs of late Suresh Poptani. He would also submit that the applicant had himself approached the authorities and made complaints regarding the alleged irregularities much prior to the registration of the present FIR, but the same were not properly investigated and have not been considered during the present investigation. It is lastly submitted that the applicant has no criminal antecedents, is ready and willing to cooperate with the investigation, and there is no likelihood of his absconding or influencing the course of investigation. Hence, it is prayed that the applicant be granted anticipatory bail.

4. On the other hand, learned State counsel, appearing for the non - applicant/State, opposes the submission made by the learned counsel for the applicant and submits that the allegations against the applicant are serious in nature and pertain to the fraudulent mutation of valuable immovable property by using false and fabricated documents. It is contended that the investigation has revealed that despite having knowledge of the auction sale of the property in favour of the complainant's predecessor-in-interest, the applicant, in connivance with others, got the revenue records mutated in the names of the legal heirs of late Suresh Poptani and thereby attempted to usurp the property. Learned State counsel further submits that the allegations involve forgery, cheating and manipulation of official records, which require a thorough investigation, and custodial interrogation of the applicant may be necessary for recovery and verification of relevant documents and for ascertaining the role of all persons involved. It is therefore submitted that, considering the gravity of the offence and the stage of investigation, the applicant is not entitled to the discretionary relief of anticipatory bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. Considering the nature of allegations, the material available on record, the fact that the dispute primarily arises out of mutation and ownership of the property in question, the unexplained delay of about fourteen years in lodging the FIR with respect to the alleged acts said to have taken place in the year 2012, the contention of the applicant that the disputed mutation proceedings were not initiated by him and that the genuineness of the relevant documents is a matter of investigation and evidence, as well as the fact that the offences are based substantially on documentary evidence already available with the prosecution, this Court is of the considered opinion that custodial interrogation of the applicant does not appear necessary at this stage. Further, the applicant is a permanent resident, has no criminal antecedents brought to the notice of this Court, and has expressed his willingness to cooperate with the investigation. Therefore, without commenting on the merits of the case, this Court is of the considered opinion that the applicant deserves to be enlarged on anticipatory bail.

7. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Manish Poptani,** he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 50,000/- and one surety, subject to the following conditions:-

(a) The applicant 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 fact to the Court.

(b) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The applicant and the surety shall submit a copy of her adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The applicant shall not involve himself in any offence of similar nature in future.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Rahul Dewangan