

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 820 of 2015

1. Dhannulal Sinha S/o Shambhuraam Sinha Aged About 48 Years R/o Village - Tappa, Police Station - Dongargaon, District - Rajnandgaon (Chhattisgarh).
2. Sankarlal Verma S/o Guharam Verma Aged About 48 Years R/o Village - Mahul Jhopdi, Tahsil And Police Station - Dongargaon, District - Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station - Dongargarh, District - Rajnandgaon (Chhattisgarh).

---- Respondent

Shri Basant Dewangan, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.
Shri Atanu Ghosh, counsel for the objector.

Order On Board

02/09/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.292/15 registered at police station – Dongargarh, Distt. - Rajnandgaon, CG for alleged commission of offence under Section 420, 294/34 of IPC.

2. Case of the prosecution is that the co-accused Parasram, who had already sold his land to one Omprakash in the year 2009, suppressing this fact, again entered into an agreement to sell with Rajesh Nandeshwar and fraudulently obtained Rs.5,25,000/-. The allegation against the present applicants is that the applicants are the brokers who introduced Parasram to intending purchaser Rajesh Nandeshwar.

3. Learned counsel for the applicants submits that the nature of allegations and alleged involvement of the applicants does not prima facie show that the applicants are involved in the act of so called cheating and fraud by Parasram, except that they introduced Parasram to Rajesh Nandeshwar regarding proposal of sale of

land, no other overt act has been alleged against the applicants.

4. On the other hand, learned State counsel and the counsel for Objector submits that the very involvement of the applicants as brokers shows that they had full notice and knowledge of the fact that the land was already sold and they joined hands with Parasram to cheat Rajesh Nandeshwar.

5. Taking into consideration the submission of learned counsel for the parties, nature of role alleged against the applicants, that there is no specific allegation of applicants either signatory to the agreement or they had kept any amount under the said agreement, I am inclined to grant anticipatory bail to the applicants.

6. Accordingly, the application is allowed. 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.20,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

**Manindra Mohan Shrivastava
Judge**