

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 902 of 2015

Sureshrao Bhalkar S/o Late Dinkar Rao Bhalkar Aged About 62 Years
Occupation Service, R/o Janta 548, Janta Colony, Tilak Nagar, Gudiyaari, Police
Station Gudiyaari, Raipur, Tehsil Raipur, Civil & Revenue District Raipur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Gudiyaari, District Raipur,
Chhattisgarh

---- Respondent

Shri UKS Chandel, counsel for the applicant/s.
Shri Dilman Rati Minj, Dy.G.A. for the State.

Order On Board

16/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime
No.159/15 registered at police station – Gudiyaari, District – Raipur (CG) for
alleged commission of offence under Section 420, 467, 468, 471 of IPC.

2. Prosecution case is that the applicant having fraudulently represented the
complainant that he intends to sell his property, executed agreement, obtained
advance but later on, it was revealed that the applicant had already obtained
loan by mortgaging house in respect of which agreement was executed and this
fact was suppressed.

3. Learned counsel for the applicant submits that the agreement was only
security towards repayment of loan and not an agreement to sell the property
and infact, the complainant himself interpolated the cheques which were given to
him and started claiming liability of Rs.26 lakhs by cheques stating that the
amount was advanced to the applicant as loan.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that prima facie suppressing the fact that the house was mortgaged against loan shows that there was intention to cheat from the very inception of transaction.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant was given a notice by the complainant that the complainant himself having given loan to the applicant and the submission of learned counsel for the applicant that it was not an agreement to sell but only a security against loan, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge