

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 430 of 2015**

Kailasdas Manikpuri S/o Sri Dayaldas Manikpuri Aged About 60 years R/O  
Village- Dunda, Police Station- Tikrapara, District- Raipur, Chhattisgarh

**---- APPLICANT**

**Versus**

State Of Chhattisgarh Through: S.H.O., Police Station- Golbazar, Raipur,  
Chhattisgarh

**---- NON-APPLICANT**

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|----------------------|---|-----------------------------------------|
| For Applicant.       | - | Shri Vikram Singh, Advocate             |
| For Respondent/State | - | Shri Ashish Shukla, Government Advocate |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**29/06/2015**

Heard.

This is second application for grant of anticipatory bail. First bail application was dismissed for want of prosecution.

2. The applicant is apprehending his arrest in connection with Crime No.266/12 registered in Police Station – Golbazar, District- Raipur, CG for alleged commission of offence under Section 420, 120-B & 34 of IPC.

3. Prosecution case is that the applicant, while working as Manager of the Society, cheated the complainant by selling out land which the complainant came to know that it was recorded in the revenue records in the name of one Ramesh Agrawal.

4. Learned counsel for the applicant submits that the police, without making

any enquiry into true state of affairs, registered offence against the applicant. There is no material to show that at the time registered sale deed was recorded in the name of Ramesh Agrawal, the applicant, in his capacity as Manager, sold the plot by registered sale deed. Merely on some other person's statement, after a decade of the sale transaction, it cannot be assumed that the applicant had cheated the complainant.

5. On the other hand, learned State counsel submits that the matter is under investigation, but prima facie records in the name of some other person as holder of the plot, is indicative of the criminal intent of cheating of the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that so far in the investigation, no material has been collected to show that at the time of sale of plot by the applicant as Manager to the complainant, land was not recorded in the name of the Society but in the name of some other person or any other criminal overt act of cheating, I am inclined to grant anticipatory bail to the applicant.

7. 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 two local sureties 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**