

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 568 of 2016**

Beniram S/o Darashram Tandon Aged About 55 Years, Occupation
 - Govt. Employee, R/o Village - Thangan, P.S. & Tahsil - Dabhara,
 Distt. Janjgir - Champa Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through - Distt. - Magistrate, Janjgir -
 Champa, Distt. Janjgir - Champa Chhattisgarh

---- Respondent

For applicant – Shri Ishwar Jaiswal, Advocate.
 For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****1/08/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 158/2016 registered at Police Station Dabhara, Dist-Janjgir-Champa for offence punishable under Sections 419, 420, 467, 468, 471, 120 (B), 511 of the Indian Penal Code.

2. As per the prosecution case, one Kaval Sahu lodged a report on 14/05/2015 that the applicant has got a sale deed executed by the fake sellers including Kaval Sahu and Dhaneshwar Sahu, thereby has defrauded and has committed the offence.

3. Learned counsel for the applicant submits that the applicant is the purchaser. He had made purchase from Dhaneshwar Sahu and on that basis certain other land bearing khasra No.112/3 area 0.69 acre was agreed to be purchased and sale consideration was also paid. When sale deed was presented except Dhaneshwar other sellers who were further four in number were asked to produce the identity card and thereafter they left the office of Sub Registrar. Learned counsel further referred to Annexure A-4 copy of the sale deed and would submit that in such sale deed photo of Kaval Sahu is

also enclosed and thereafter sale could not be executed since so called seller only turned up. It was further submitted that Dhaneshwar Sahu who was earlier known to the applicant in connivance with the other person has committed the fraud on the applicant and he is real victim since he has paid sale consideration but sale deed could not be registered, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary, documents and copy of the sale deed. Also considered the earlier report made by the applicant to the Police Superintendent and the other authorities. Considering the documents and the role played by the applicant, prima facie it appears that applicant is one of the victim since sale consideration was paid, however sale deed has not been stated to have been registered. Considering the nature of allegation, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE