

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1406 of 2016**

Mushib Khan S/o Shri Peer Khan, Aged About 37 Years R/o Sindhiya Nagar, Titurdih, Durg District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali Durg District Durg Chhattisgarh

---- Respondent

For applicant	Mr. Arvind Dubey, Adv.
For Respondent/State	Mr. Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/04/2017**

1. Heard finally.
2. The applicant has preferred this application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 734/2016 registered in PS City Kotwali, Durg for offence punishable under Section 420 and 120(B) read with Section 34 of the IPC.
3. Learned counsel for the applicant submits that the applicant has not committed any cheating or fraud with Praveen Kumar Mishra. Case of the prosecution is that plot No. 34/2 was not found at the spot. The applicant is innocent. The matter is of civil nature. Hence the applicant may be granted anticipatory bail.
4. Learned counsel for the State opposes the argument of the learned counsel for the applicant and submits that as per statement of Praveen under Section 161 of the Cr.P.C., it is revealed that the present applicant and other land broker sold to Praveen Plot No. 34/2 area 0.035 hectare and the said land was purchased by Praveen Mishra for Rs. 6,59,000 in the year 2010 and thereafter when the said plot was sold by Praveen to one Aditya Prakash Namdev for Rs.

31,51,000/- on 13-7-2015 it was noticed that said plot is not on the spot. Said plot was not traceable which is firstly purchased by the complainant and thereafter sold to one Aditya Namdev. The matter is under investigation. Prima facie offence under Section 420, 120-B read with Section 34 IPC is made out. He further submits that MCRCA NO. 1358/2016 filed by co-accused Manish and MCRCA No. 1310/2016 filed by co-accused Santosh have also been rejected by the coordinate bench. Hence instant MCRC may also be rejected.

5. Perused the entire material.
6. On due consideration, prima facie it cannot be held as civil dispute. In view of the allegation and the evidence collected, I am not inclined to grant anticipatory bail to the applicant.
7. Consequently, instant MCRCA is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge