

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1070 of 2016

- Rakesh Agrawal S/o Shri Rajaram Agrawal, Aged About 42 Years R/o D/208, Sector Devendra Nagar, Police Station Pandari (Wrongly Mentioned Pandsri), Civil & Revenue District Raipur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Pandari (Mova) Raipur, Civil & Revenue District Raipur, Chhattisgarh. **Respondent**

For the applicant : Mr. Sunil Otwani, Advocate.
For the State : Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.01.2017

1. Apprehending arrest in connection with Crime No. 31/2015 registered at Police Station Pandari (Mova), Raipur, Distt. Raipur (C.G) for the offences punishable u/ss 420, 467, 468 & 471 of IPC, the applicant has filed this second bail application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, complainant R.K. Patel lodged a report before the police station Pandari alleging that the applicant had entered into an agreement of sale with the wife of complainant namely Rajni Patel for a land situated at Plot Khasra No.531/9 Slitara Industrial Area Phase-II Raipur (C.G). It is further alleged by the complainant that the said land was given to the applicant on lease by the CSIDC and the applicant had entered into an agreement to sell for the aforesaid price. On the report of the complainant, initially offence u/s

420 IPC was registered and thereafter offence u/ss 467, 468, 471 was also added.

3. Learned counsel for the applicant would submit that despite the earlier bail granted, notices have been issued wherein in addition to offence u/s 420, offence u/ss 467, 468, 471 has also been added.
4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. Perused the document. Earlier despite opportunity given to the State, no reply has been placed and considerable time has also passed.
6. It has not been disputed from the argument that on the same set of facts, offence u/ss 467, 468 and 471 IPC has been added. Considering the fact that the applicant has been enlarged on anticipatory bail by this Court in M.Cr.C.(A). No.1300/2015 on 01.02.2016 on the same set of facts, it is further directed that in the event of arrest of the applicant in Crime No.31/2015 registered at P.S. Pandari, Distt. Raipur for the offences punishable u/ss 467, 468 and 471 of IPC, the applicant shall be released on bail in connection with the aforesaid offence by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Investigating Officer. The applicant shall also abide by the following conditions:
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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