

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 11 of 2018

- Ajay Kurre S/o Shri Narayan Kurre, Aged About 34 Years, R/o Near Rajesh Medical Stores, Popular Daily Needs & Bakery Maitribagh Chowk, Maroda Tank Market, Maroda, Bhilai P. S. Newai, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District P. S. Kotwali, Durg District Durg Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri P. R. Patankar, Advocate.

For Non-applicant/State – Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-07-2018

1. Apprehending arrest in connection with Crime No.813/2017, registered at Police Station – Kotwali, Durg, District Durg, Chhattisgarh for offence punishable under Section 420, 465, 468, 120-B of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact, this applicant had been mediator in the said deal of land, in which the co-accused Tejram made use of forged documents to show himself as owner of the land concerned and it was he who has received the advance and benefits of the said agreement. Hence, this applicant had no role to play in commission of the offence. Hence, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant played important role in commission of the offence against the complainant, hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, co-accused Tejram entered into an

agreement for sale with the complainant Lalit Tapadia and received Rs.3 lacs in advance for the said sale. Later on, it was discovered that the land in agreement was already sold by Tejram to Anjana Choudhari. Hence, the FIR has been lodged.

6. Considered on the material present in the case diary. It appears that this applicant was not a party to the agreement, although he had mediated and acted as broker in the said deal, his involvement in commission of crime alleged by the prosecution is required to be examined in the trial, but, for the present, I am of this view that he deserves to be granted anticipatory bail.

7. Accordingly, the anticipatory bail 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 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 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) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge