

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 172 of 2018**

Ghanshyam Jha S/o Shri Jagdish Jha Aged About 59 Years R/o House No. 1 B Gajra Colony Police Station Banki Tahsil Katghora District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Banki Mongra, Civil And Revenue District Korba Chhattisgarh.

---- Respondent

For the Applicant : Ms. Seema Singh, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 3 of 2018, registered at Police Station – Banki Mongra, District – Korba, Chhattisgarh for the offences punishable under Sections 420, 294 and 506 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the deceased, wife of the complainant had entered into an agreement for sale of land. According to which, this applicant was the vendor and he had agreed to sale his land to

the purchaser Smt. Neelam Jha for consideration and had received an amount of Rs.60,000/- in advance. As the purchaser Smt. Neelam Jha has expired and the complainant was not taking any steps for execution of sale deed, because of which there was some exchange of words between them. No offence of cheating is made out in this case. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the case of the prosecution, there had been an agreement of sale of land between applicant and the wife of the complainant. It is alleged that when the complainant did not take any steps for execution of sale deed, this applicant abused him and threatened. The allegations of offence of cheating are yet to be found in the investigation. In the present state of things, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

7. 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 surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge