

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 185 of 2018

- Nilesh Parakh S/o Inder Chand Parakh, Aged About 45 Years, R/o New Panchsheel Nagar, Civil Lines, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.D. Guru, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2018

1. Apprehending arrest in connection with Crime No.278/2016, registered at Police Station – Civil Lines, Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 & 406 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. The applicant and complainant Konark Tekriwal had family relation earlier and it was through this applicant the complainant had made purchase of a plot, which was acquired by the State Government for Kamal Vihar Project and the complainant received a compensation for the same. As alleged, that the complainant gave this applicant a self cheque on 16-12-2014, against that, the applicant had withdrawn the amount from the bank and gave the same to the complainant on the same day. The applicant had made some negotiation for sale of plot allotted to complainant with Ranu Sahu and others and received amount of Rs.15 lakhs in advance, but as he did not continue with the said transaction, hence, he has made repayment of the advance amount to Ranu Sahu, regarding with additional document has been filed along with including the

certificate of the bank which shows that the amount of Rs.15 lakhs was transferred from the account of this applicant to the account of Ranu Sahu. Hence, no case is made out. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the allegation that has been made by the complainant against the applicant, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. A complaint has been filed by complainant Konark Tekriwal on 28-01-2016 alleging that on 16-12-2014 he gave a self cheque to the applicant to make withdrawal of Rs.20,27,970/- and depositing the same for booking of a plot in Kamal Vihar Project. Subsequently, the complainant came to know that no such deposit was made by the applicant in the Kamal Vihar Project and also that the applicant had tried to negotiate for the sale of the plot allotted to the complainant and received an advance of Rs.15 lakhs from other party, i.e., Ranu Sahu and another. Hence, this case.

6. Considered on the material that is present in the case diary. Looking to the investigation that has been made so far in this case and considering this fact that the applicant has refunded the amount that he received from Ranu Sahu and for the reason that the FIR has been lodged after passing of about two years, I feel inclined to allow this application.

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