

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C.(A) No.856 of 2017

1. Raghvendra Singh @ Abhishekh S/o Rajkishor Singh, aged about 28 years.
2. Shruti Singh (Wrongly mentioned as Swati in lower Court order) W/o Raghvendra Singh, aged about 25 years.

Both are R/o village Behtikhas, Kundoi P.S.-Sahar Kotwali, District Hardoi (U.P.).

---Applicants

Versus

State of Chhattisgarh, Through Police Station Chakrdharnagar, Raigarh, District Raigarh (C.G.).

---Respondent

For applicants	:	Ms.Sharmila Singhai, Advocate.
For respondent/State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/01/2018

1. The applicants has filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.16 of 2017 registered at Police Station Chakrdharnagar, Raigarh for the offence punishable under Sections 420, 120-B and 34 of IPC.
2. The allegation against the applicants as per the prosecution case is that, the present applicants who are husband and wife are said to have defrauded the complainant of Rs.4,40,000/- on the pretext of selling their car to the complainant. It is said that initially the present applicants had given the possession of the car to the complainant. However, subsequently, the applicant No.1 is said to have gone to the house of the complainant and

without any instruction and permission of the complainant picked up the car from her residence and taken the car in his custody on which the complaint has been registered and an F.I.R. has been lodged.

3. The counsel for the applicants submits that, it is a case where the applicants has been falsely implicated. She further submits that, there is no record what so ever to show that, there was an agreement to sell or for that matter any sale deed executed between the present applicants and the complainant. Neither is there any evidence to show that, the vehicle was given in possession of the complainant as a result of the sale. The vehicle also has not been transferred in the name of the complainant and thus prayed for granting the benefit of anticipatory bail to the applicants.

4. The State counsel however opposes the bail application on the ground that, the present applicants have cheated the complainant of Rs.4,40,000/- and the vehicle also has been taken possession by the present applicants which is an act of cheating and fraud and therefore they did not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly, the nature of transaction which is alleged to have been entered into between the two parties, this Court is of the opinion that, prima-facie, it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one

surety for the like sum to the satisfaction of the officer arresting him and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/applicants 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 them from disclosing such facts to the Court or to any police officer;
3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
6. Certified copy, as per rules.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE