

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 349 of 2018**

Govind Agrawal, S/o. Om Prakash Mittal (wrongly mention in order sheet as Prakar) Aged About 47 Years, Occupation Businessman, R/o Sarla Villa, Raigarh, Thana Chakradharnagar, Distt. Raigarh Chhattiisgarh.

----Applicant

**Versus**

State Of Chhattisgarh, Through Police Station Gharghoda, Tahsil Gharghoda, Distt. Raigarh Chhattiisgarh.

---- Respondent

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| For Applicant        | : Mr. Sanjay Agrawal, Advocate  |
| For Respondent/State | : Mr. Vinod Tekam, Panel Lawyer |

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

**Order On Board****17/05/2018**

1. Apprehending arrest in connection with Crime No.93/2017, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for offence punishable under Section 420, 120-B of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. According to the FIR dated 10.06.2017, the incident that has been taken place is of the year 2012, which itself shows that case is concocted and deliberate against this applicant with malafide intention. Therefore,

it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is direct allegation against this applicant in the statement under Section 161 and 164 of Cr.P.C. given by the complainant. Therefore, it is prayed that the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, this applicant had purchased 4 acres of land from the complainant Chamar Singh about 7-8 years prior to the acquisition of land in the year 2012. As the land purchased was not mutated in the revenue record in the name of this applicant, the same was acquired by the NTPC and all the compensation was paid to the complainant. It is alleged that this applicant coerced the complainant and realized Rs.40.00 lakhs from him as price of the land that was purchased by him from the complainant with the help of other co-accused persons and out of the total compensation of Rs.86,42,200/-, only Rs.69,000/- is left in the account of the complainant and all the rest of the amount have been withdrawn by the co-accused persons in a fraudulent manner. On the basis of the complaint given, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Apart from the allegation against this applicant there are other co-accused persons also involved in this case. In the investigation, it does not show about purchase of any land by the applicant from

the complainant. Looking to the delay in lodging of FIR in this case only for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge