

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 490 of 2018

- Yogesh Kupatkar S/o Shri Arun Kumar Kupatkar Aged About 37 Years R/o- J.B. Apartment, Tikrapara, Mannu Chowk P.S. City Kotwali, Tah And District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Incharge, Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Arvind Dubey, Advocate.

For Non-applicant : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

05.07.2018

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 263/2018 registered at Police Station- Civil Line Bilaspur (C.G.), for offence punishable under Section 420 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the complainant Sunil Kumar Bhardwaj and the applicant entered into an agreement to sell dated 26.10.2015. The applicant agreed to sell the land bearing Khasra No. 317/3 admeasuring area 1.50 acres. The consideration was Rs. 12,50,000/-. The applicant had received Rs. 11,00,000/- as advance

from the complainant. Thereafter, the applicant has not executed registered sale deed. He had given a cheque to the complainant which got dishonoured.

4. Learned counsel for the applicant argued that the aforesaid land was purchased by applicant from Smt. Pinki Goyal earlier. His mutation application is still pending. The land was not mutated in his name, thus he is unable to execute the registered sale deed. He is ready to repay the aforesaid amount to the complainant. The applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicants.

7. Consequently, the present anticipatory bail application is rejected.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE