

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 514 of 2018

- Kartik Soni S/o Shiv Prasad Soni Aged About 29 Years R/o Village Lingiyadih, Rajeev Vihar Police Station Sarkanda District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarkanda District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Anand Mohan Tiwari, Advocate.

For Respondent : Mr. Anupam Dubey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/07/2018

1. Apprehending arrest in connection with Crime No.439/2017 registered at Police Station- Sarkanda District – Bilaspur (C.G.), for offence punishable under Section 420 of the Indian Penal Code (for short 'IPC'), the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. It is a fact that this applicant and the complainant in the capacity of Power of Attorney holder has entered into an agreement for sale of land and obtained Rs.10 lakh in advance. Later on, as the complainant was not interested to purchase the said

land, it was sold out to some other person. It is submitted that the applicant agreed that the amount received as an advance is due towards the applicant and the purchaser of land is ready to pay back the same, hence, it is a civil dispute. For this reason, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The facts of the case are these that on 14.5.2015 this applicant in capacity of Power of Attorney holder entered in agreement for sale of land and received Rs.10 lakh in advance. Later on, the land was sold out to some other person because of which feeling aggrieved the complainant has lodged this FIR.
6. Considered on the material present in the case diary and after due consideration this is a fit case where the applicant should be benefited with grant of 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge