

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 505 of 2018

- Dushyant Chandravanshi S/o Late Shri Sadharam Chandrawanshi
Aged About 40 Years Occupation Railway Employee R/o House No.
10/665, Sector -1, Shivanand Nagar, Shree Nagar, Police Station
Khamtarai, Tahsil And District Raipur Chhattisgarh, District : Raipur,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station City Kotwali, District Raipur Chhattisgarh, District : Raipur,
Chhattisgarh

---- Respondent

For Applicant : Mr. Shobhit Koshta, Advocate.
For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

21/08/2018

1. This is the second bail application filed by the applicant under Section 438 of CrPC. His first bail application was dismissed for want of prosecution in MCRC(A) No.30 of 2018 vide order dated 13.4.2018.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.293/2017 registered at Police Station-City Kotwali, District – Raipur(C.G.), for the offence punishable under Section 420 of the Indian Penal Code.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case according to the material present in the case diary. FIR has been lodged by the complainant on the basis of forged documents regarding which the applicant himself filed a complaint before the competent Court to prosecute the complainant. Hence, it is prayed that applicant be granted anticipatory bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the material present in the case diary, no case is made out for grant of anticipatory bail.
5. Heard the parties and perused the case diary.
6. It is alleged that this applicant entered into an agreement for sale of his property with one Shailendra Soni on 23.7.2015 and received advance amount of Rs.10 lakh from him. Later on, he again entered into another agreement with complainant Vardhman Chopda in respect of the same property and received advance amount of Rs.8 lakh from him. Ultimately, he did not perform his part of contractual obligation by executing and registering sale-deed in favour of any of the aggrieved persons. Hence, this case.
7. On perusal of the entire material present in the case diary, it appears that the applicant is not required for custodial interrogation but his presence may be required for the purpose of investigation which can be secured by imposing appropriate conditions while granting anticipatory bail to him. Hence, I am of this view that this is a fit case where applicant should be released on anticipatory bail .

8. 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.

9. It is directed that he shall appear on every 15 days before the concerned police-station.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha