

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 601 of 2018**

Anurag Shrivastava S/o Shiv Kumar Shrivastava Aged About 30 Years R/o In Front Of Lohiya Petrol Pump, Behind Amb Auto Agency, Nandani Road, Jamul, Police Station Jamul District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Supela, Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Kishore Bhaduri, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.07.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 230 of 2018, registered at Police Station – Supela, Bhilai, District – Durg, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a broker and on a request made by complainant – Shyam Sundar Gupta it was through the applicant an agreement to sale was entered with the complainant, in which the

applicant was shown as a party on the basis of power of attorney held by him. Later on, when the complainant was not interested to make purchase of the said land then the said land was purchased by the applicant in the name of his mother. This is totally a false complaint lodged by the complainant against the applicant and the applicant is ready to refund the amount received from the complainant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had represented himself as owner of the land in question and entered into an agreement with the complainant which shows the fraud and cheating committed by the applicant. Hence, he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case of the applicant is that he entered into an agreement with complainant – Shyam Sundar on 21.6.2017 and the ikrarnama shows that the applicant was a party in capacity of power of attorney holder. Apart from that, there is a statement made on behalf of the applicant that he is ready to pay the amount of the complainant.

7. After due consideration of all the material present on record, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge