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HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on : 04/07/2018****Order Delivered on : 12/07/2018****M.Cr.C.(A) No. 569 of 2018**

Laxminarayan Agrawal @ Funnu S/o Late Jagannath Agrawal Aged About 62 Years R/o- Village- Lahroud, P.S. And Tehsil- Pithora, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Pithora, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Surfaraj Khan, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.
For the Intervener	:	Shri Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**CAV ORDER****12.07.2018**

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. 62 of 2018, registered at Police Station – Pithora, District – Mahasamund, Chhattisgarh for the offences punishable under Sections 420/ 34, 467, 468 and 471 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 fact is that the applicant had entered into an agreement with Laxman S/o Itwaru for sale of land and regarding that sale, the applicant received an amount of Rs.33,00,000/- as consideration. The applicant has already executed the sale deed in favour of Laxman S/o Itwaru and the copy of the sale deed is attached for perusal of this Court. Totally, a false case has been registered against the applicant. 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 case against the applicant has surfaced because of a complaint made by Amarjeet Chawla. Some amount has been received by Laxman as compensation against the land acquired, and out of that amount, Rs.33,00,000/- was transferred to the account of the applicant for which there is no explanation. Hence, it is a clear case of fraud and cheating committed by the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Learned counsel for the intervener submits that the intervener has no objection if anticipatory bail is granted to the applicant.

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

7. Brief facts of the case are that the lease of forest land was granted in favour of the intervener Laxman in the year 2007, which was sold by him to

the applicant in the same year. As the government lease to intervener – Laxman was not transferable, a proceeding was drawn by the authority and the transfer was cancelled and also the lease was reverted in the name of the applicant. Subsequent to that, the land was acquired for road construction by the State and in this regard an award was passed in favour of the intervener for a total compensation of Rs.57,36,724/-. The allegation against the applicant is that he influenced the intervener and got transferred Rs.33,00,000/- to his own account from the bank account of Laxman on pretext to transfer 7.5 acres of land in his favour but after passing of more than 3 years the promised land was not transferred by him. Hence, the offence has been registered against the applicant.

8. Considered on the material present in the case-diary and also perused the documents attached with the applicant. Annexure-A/8 is the copy of agreement for sale of 7.5 acres of land between the applicant and intervener -Laxman executed on 17.9.2014 and Annexure-A/9 is the copy of the sale deed executed by the applicant in favour of the intervener on 2.1.2018, in which there is a statement that Rs.30,00,000/- was received by transfer in the bank account of the applicant from the seller in the sale deed and the remaining amount of Rs.3,00,000/- has been received by him through cheque from purchaser – Laxman.

9. On the basis of the submissions and the documents attached with the application, in my view a clear case is made out for grant of anticipatory bail to the applicant. Hence, the application deserves to be allowed.

10. 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. 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 them 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