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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 645 of 2018**

Prashant Agrawal @ Tonu S/o Shri Suresh Agrawal Aged About 40 Years
R/o Ward No. 05, Bagbahara, Police Station And Tahsil Bagbahara, District
Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station H S O,
Police Station Mahasamund , District Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.06.2018**

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. 155 of 2018, registered at Police Station – Mahasamund, District – Mahasamund, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. He is neither a party to the sale deed nor a witness to it. The vendor and the vendee were aware that the property that was sold had the encumbrance in favour of CSPDCL, for which revenue

recovery certificate was issued, even then, the purchase has been made. The allegation of the concealment of this fact by the applicant is totally false. 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.

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

6. Complainant – Dheeraj Kumar Gupta has lodged FIR alleging that a land was purchased on 11.4.2016 by the complainant in the name of his mother, paying consideration of Rs.35,00,000/- and the same could not be mutated in the name of his mother. On enquiry, he found that the RRC was issued for realization of Rs.5,35,00,000/- concerning the said land. The allegation against the applicant is that he played role as broker in the said deal and concealed this fact about the issuance of RRC on the property for the subject matter of sale.

7. Considered the material present in the case-diary. The copy of revenue records attached with the sale deed itself contains the entry about the issuance of RRC regarding the land that was subject matter of sale. In this case, a search report was also prepared by the concerned Advocate, who has also not made any mention about the encumbrance on the property in question. The applicant may have played a role as broker, but it does not appear that he alone is responsible for the mistake that had been committed in this case. Hence, for these reasons, 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. 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