

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 691 of 2018**

Smt. Laxmi Devi Agrawal S/o Shri Krishna Kumar Agrawal Aged About 68 Years R/o Durpa Road , Korba Police Station Kotwali Korba , Revenue And Civil District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kotwali Korba District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sandeep Dubey, Advocate.
For the Respondent/State	:	Ms. M. Asha, P.L.
For the Objector	:	Shri Sourabh Dangi and Ms. Aditi Singhvi, Advocates.

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. 343 of 2018, registered at Police Station – Kotwali, Korba, District – Korba, 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 old lady aged about 68 years, suffering with multiple diseases, low vision and she is unable to walk. The applicant does not deny about the entering into an agreement on

27.12.2012, in which she had received some amount from the complainant. The complainant has not taken any interest in registration of the sale deed and the complainant has sent a legal notice to the applicant on 14.5.2018 after long delay of 6 years asking the applicant to register the sale deed or to face consequences in civil Court and subsequent to that without any ground and reason, a false FIR has been lodged against the applicant levelling allegation of cheating. No case is made out against the applicant and presently, the case is before the trial Court. 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. Learned counsel for the Objector submits that subsequent to the first agreement between the applicant and the complainant was entered into regarding the sale of land on 27.3.2012. Another agreement has also been entered between the parties on 27.12.2012, in which it has been agreed that the land shall be transferred by sale deed within six months, but the applicant herself has not taken any interest in registering the sale deed in favour of the complainant and instead continued to demand remaining consideration amount. On account of oral assurance given by the applicant, the complaint kept waiting and ultimately sent a notice. There is no bar to file a criminal complaint in such case, as according to the conduct of the applicant, case of cheating is made out. Hence, the application be rejected.

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

7. The case against the applicant has been briefly discussed in the submissions made herein-above. It is clear that the dispute between the applicant and the complainant has a glimpse of civil nature. Looking to the physical condition and age of the applicant, 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, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge