

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 735 of 2018

1. Indralal Raghuvanshi S/o Pratapmal Raghuvanshi, Aged About 46 Years, R/o Basant Vihar Colony, Mahaveer Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Deepak Raghuvanshi S/o Pratapmal Raghuvanshi, Aged About 40 Years, R/o Basant Vihar Colony, Mahaveer Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Smt. Padma Raghuvanshi W/o Indralal Raghuvanshi, Aged About 45 Years, R/o Basant Vihar Colony, Mahaveer Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Neetu Raghuvanshi W/o Deepak Raghuvanshi, Aged About 36 Years, R/o Basant Vihar Colony, Mahaveer Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Hariram Raghuvanshi S/o Pratapmal Raghuvanshi, Aged About 48 Years, R/o Akriti Vihar Amlidih, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station New Rajendra Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Bhaskar Payashi, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Shri Pawan Kesharwani, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2018

1. Apprehending arrest in connection with Crime No.106/2018, registered at Police Station – New Rajendra Nagar, District Raipur, Chhattisgarh for offence punishable under Section 420 & 120 B of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. In fact, it is a case of civil transaction of contract for sale which was entered into between the applicants and complainant Anil Kumar Sitani, for sale of 2543 square feet of land on 08-11-2011 and as the complainant could not get the sale deed executed, a fresh

agreement was again entered on 03-04-2015. Notices were also issued to the complainant to get the sale registered, but he failed to do so and contrary to that, he filed a complaint in P. S. Civil Lines. After enquiry, the complaint was filed under Section 155 of the Cr.P.C. Later on, the complainant again approached P.S. New Rajendra Nagar and the second complaint was also filed subsequently and then he succeeded to lodge the FIR in P.S. Rajendra Nagar which is totally false. Still the applicants are willing to perform their part in the said agreement and transfer the land in favour of the complainant. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the day on which the agreement was entered into between both the parties, the applicants were not the title holder of the complete land, part of the subject matter of said sale, that is 1285 square feet land was already sold to Hariram, who is brother of applicant No.1 and applicant No.2. Hence, the ingredients of fraud was present from the very beginning, because of which, the applicants are not entitled for grant of anticipatory bail.

4. Learned counsel for the objector submits that the applicants have fraudulently proposed as owner of the complete land with respect to the subject matter in the agreement and they received Rs.20 lacs as advance, hence, the applicants having full knowledge committed this fraud and offence of cheating, therefore, the application may be rejected.

5. In reply, counsel for the applicants submits that the applicants are still willing and brother of applicant No.1 and applicant No.2 Hariram is also willing to transfer the land in favour of the complainant, even though he is not a party to the agreement.

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

7. The case against the applicants has been discussed hereinabove.

8. On perusal of the case diary, it appears that although there is some

element of fraud present in the case, but it is submitted that the applicants still intend to sale out the land, the subject matter of the agreement, or in alternative, are ready to make other settlement, taking into consideration all these facts, I feel inclined to grant anticipatory bail to the applicants.

9. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

10. In case the settlement is not arrived at between the parties, then the objector/complainant shall have liberty to file application for cancellation of this anticipatory bail.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge