

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 763 of 2018

1. Imran Khan S/o Haji G.M.Khan Aged About 38 Years, R/o Purani Basti, Police Station Kotwali, Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Katghora, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

MCRCA No. 764 of 2018

1. Moin Khan S/o G. M. Khan Aged About 40 Years, R/o Purani Basti, Adile Chowk, Police Station Kotwali, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicants – Shri Lalit Jangde, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.141/2018, registered at Police Station Katghora, District Korba, Chhattisgarh for the offence under Section 420/34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case by complainant Ameen Shekhani, in fact, who is a habitual offender and a number of cases are registered against

him regarding fraud and cheating in various police stations. In fact, there had been a dealing with Vijay Swami about purchase of land by applicant Imran Khan (applicant in MCRCA No.763/2018), regarding which, for part payment of consideration a cheque of HDFC Bank No.000004 worth Rs.5,00,000/- was issued in favour of complainant Ameen Shekhani. Later on, when it was found that the land did not belong to Vijay Swami and the real owner was one Sheela Devi Sharma and one FIR was lodged by her in P.S. Kotwali, Distt. Korba on which Crime No.34/18 was registered against complainant Ameen Shekhani and Vijay Swami for offence under Section 420, 34 of the IPC on 20-01-2018. Subsequent to that, as a counter blast, the FIR in this case has been lodged on 05-05-2018 making false allegation against the applicants. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that there is evidence present in the case diary to make out a prima facie case against the applicants, hence, no case is made out for grant of anticipatory bail.

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

6. One FIR has been lodged by complainant Ameen Shekhani against the applicants that the applicants entered into an agreement for sale of the land ensuring that they are recorded owners of the said land and received Rs.5,00,000/- in advance. When the complainant came to know that fraud was committed and the applicants were not recorded owner of the land, he raised this issue and applicant Imran Khan gave him a cheque dated 12-09-2017 for refund bearing No.000004 of Rs.5,00,000/-on 13-09-2017, but the cheque was dishonoured by the bank.

7. Considered on the material present in the case diary and also perused the documents on record which are part of the charge sheet filed against the complainant on the basis of the FIR lodged by these applicants. Cheque

No.000004 is common feature in both the cases and the agreement on the basis of which the FIR has been lodged against the complainant is dated 03-12-2015 earlier to the agreement in this case and also that applicant Imran Khan has lodged the FIR earlier to the lodging of the FIR by the complainant in this case, which are the circumstances which needs explanation. Hence, for these reasons, I am of this opinion that both these applications deserve to be allowed.

8. Consequently, Both the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

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

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge