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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4887 of 2018**

Abdul Rahim Qureshi @ Guddu, S/o. Shri Abdul Aziz Qureshi, R/o. Ward No. 08, Nayapara, Mahasamund, Tahsil and P. S. Civil And Revenue Distt. And Distt. Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P. S. Khallari, Civil And Revenue Distt. And Distt. Mahasamund Chhattisgarh.

---- Respondent

AND**M.CR.C.(A) No. 812 of 2018**

Amit Sharma, S/o. Shri Mangalmurti Sharma, Aged About 28 Years, R/o Ward No.2 Imlibhatha, Mahasamund, P.S. Tahsil And District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jameel Akhtar Lohani, Advocate & Mrs. Indira Tripathi, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/08/2018**

1. Since the above regular bail application and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail application of applicant in M.Cr.C. No.4887of 2018 is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to him as he has been arrested in

connection with Crime No.60/2018, registered at Police- Khallari, District- Mahasamund (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120 (b)/34 of the Indian Penal Code.

3. The applicant – in M.Cr.C.(A) No.812 of 2018 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.60/2018 registered at Police Station- Khallari, District – Mahasamund (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 120-B, 34 of the Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. No case is made out against the applicants. These applicants are simply signatory as witness in the agreement and have not received any amount from the complainant. Hence, for this reason, it is prayed that they may be released on regular as well as on anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the applicants are involved in the case as they were present, who gave inducement to the complainant, which resulted in the agreement by which the complainant was cheated. Hence, the applications be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. The case against the applicants is this that they have induced the complainant Than Singh to purchase a land belonging to co-accused

Mahendra Bothara with whom the agreement was executed and the complainant paid him Rs.40,000/- in advance. Later on the complainant came to know that the land of which agreement was made was a government land. Hence, the FIR has been lodged.

8. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary and further taking into consideration this fact that charge-sheet in this case has been filed and the applicants do not have any criminal antecedents. Hence for this reason, I am of this view that applicant- in M.Cr.C. No.4887 of 2018 deserve to be enlarged on regular bail and applicant in M.Cr.C.(A) No.812 of 2018 also deserve to be enlarged on anticipatory bail.
9. Accordingly, the regular bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicant- in M.Cr.C No.4887 of 2018 shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court concerned, for his appearance as and when directed.
10. Likewise the anticipatory bail application of applicant in M.Cr.C.(A) No.812 of 2018 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 him/her 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