

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 896 of 2018**

Basant Kumar Soni, aged about 54 years, S/o. Shri Horilal Soni, R/o. Professor Colony, Near Sumeru Math, in the house of P.R. Yadav, P.S. - Purani Basti, Raipur, District (Revenue & Civil) - Raipur (C.G.)

---Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, P.S. Civil Lines, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Yogesh Pandey, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/09/2018**

1. Apprehending arrest in connection with Crime No.399/2018, registered at Police Station – Civil Lines, District – Raipur (C.G.) for offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant had already gifted the property to his son and it was the son, who has made transaction of sale with the complainant and for any shortage of land that has been found by the complainant, this

applicant is not responsible. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the applicant along with main accused person have already sold out 242 sq.ft of the disputed land and subsequently including the sold out land, a sale deed has been executed in favour of the complainant suppressing this fact. Hence, the offence of cheating is clearly made out. Hence, the application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complaint has been brought by the complainant Smt. Gauri Soni alleging that after entering into contract to sale 1250 sq.ft. of land, the fact of earlier transfer of 242.sq.ft to Awadhiya was suppressed by the main accused person and transfer has been made. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary as this applicant was not the vendor of the sale deed that has been executed in favour of the complainant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram