

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 947 of 2018**

1. Ravi Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 28 Years,
 2. Ajay Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 25 Years
- Both R/o- Village Hunkara, Tehsil Katghora, District- Korba, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station - Banki Mongara, District- Korba, Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 948 of 2018**

1. Ravi Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 28 Years,
 2. Ajay Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 25 Years
- Both R/o- Village Hunkara, Tehsil Katghora, District- Korba, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station - Kusmunda, District- Korba, Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 949 of 2018**

1. Ravi Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 28 Years,
 2. Ajay Kumar Rajak, S/o. Mr. Shankar Lal Rajak, Aged About 25 Years
- Both R/o- Village Hunkara, Tehsil Katghora, District- Korba, Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station - Kusmunda, District- Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.P. Sharma, Advocate with Mr. M.L. Sakat, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate & : Mrs. Madhunisha Singh, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

07/09/2018

1. All the above bail applications are heard and decided together by this common order as they are arising out of the similar type of offence and the incident.
2. At the very outset, learned counsel appearing on behalf of the applicants submits that the applicant No.2- Ajay Kumar Rajak in all the above bail applications has been arrested and the anticipatory bail applications have now become infructuous, therefore, he do not want to press the applications in respect of the applicant No.2- Ajay Kumar Rajak. Accordingly, the bail applications in respect of the Applicant No.2- Ajay Kumar Rajak is dismissed as not pressed.
3. Apprehending arrest in connection with the following crime numbers, the applicant No.1 – Ravi Kumar Rajak has preferred these applications for grant of anticipatory bail.

Crime No.	Police Station	Offence U/s.
128/2018	Banki Mongara, District – Korba (C.G.)	420/34 of the Indian Penal Code.
156/2018	Kusmunda, District – Korba (C.G.)	420, 467, 468, 471/34 of the Indian Penal Code.
157/2018	Kusmunda, District – Korba (C.G.)	420, 467, 468, 471/34 of the Indian Penal Code.

4. It is submitted by the learned counsel for the applicant No.1, that the applicant has been falsely implicated in this case. No case is made out according to the material present in the case diary. The fact is this that father of the applicant No.1 entered into transactions for sale and executed sale deed in favour of the complainant and others. On plain consideration of the fact, it appears that no offence

of cheating has been committed in this case by the applicant No.1. Therefore, it is prayed that the applicant No.1 may be enlarged on anticipatory bail.

5. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the complaint filed and the statement of the witnesses, the applicant no.1 has actively participated in all the transactions, which shows that he was engaged in conspiracy for commission of offence of cheating. Hence, the applications be rejected.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. As per the case against the applicant no.1 and other co-accused persons, it is alleged that the applicant and co-accused persons gave inducement to the complainant and others, that in case they purchase their lands, which are proposed to be acquired by the State Government for the purpose of opening coal mines, purchaser of said land will be benefited with employment in SECL. Getting induced, the complainant and others entered into an agreement for purchase and have paid consideration to the father of the applicant No.1 through bank. It is also alleged that sale deed has not been executed till date. The grievances of the complainant and others is this that the land proposed for purchase have not been acquired by the State Government for the purpose of coal mines because of which they have been cheated. Hence, this case.
8. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, this Court is inclined to extend the benefit of Section 438 of

Cr.P.C. to the applicant No.1 Ravi Kumar Rajak in all the above cases.

9. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. in respect of the applicant No.1 Ravi Kumar Rajak are allowed.
10. It is directed that in the event of arrest of the applicant No.1 in connection with the aforesaid offences, 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 each case in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.1 shall also abide by the following conditions :
 - (i) that the applicant No.1 shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant No.1 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 No.1 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant No.1 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