

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 962 of 2018

- Narendra Kumar Chandrakar S/o Late Kedarnath Chandrakar Aged About 67 Years R/o- Shivaji Nagar, Ward No. 8, Kohaka, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Gautam Khetrapal and Mr. Tarun Dansena, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No. 33325062180528/2018 registered at Police Station- Supela, District – Durg (C.G.), for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. No case is made out against him according to the material present in the case diary. The fact is this that there is some civil dispute between the applicant and the complainant regarding which a civil suit is pending in

the civil Court in which it has been alleged that the complainant has not paid the consideration of the property sold by this applicant. In the subsequent agreement that has taken place on 20.5.2016 it is not denied that due to resettlement of land in the area concerned, the incorrect Khasra number has been mentioned erroneously. The applicant is not denying the execution of this agreement and he is ready to perform his part of contractual obligation, if the complainant is ready to perform his part. Hence, under these circumstances, it is prayed that he may be released on bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that looking to the evidence present against him, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The complainant has lodged FIR alleging that on 20.5.2016 this applicant entered into contract for sale of property and received Rs.15 lakhs in advance. Later on, complainant came to know that the property was already sold to somebody else prior to the agreement that was entered into between them. Hence, the FIR has been lodged.
6. In the investigation made so far, it appears that property agreed to sale to the complainant was resold is a statement which needs further investigation, further, statement on behalf of the applicant, that he is ready to discharge the obligation undertaken by him under the agreement entered between him and the complainant has to be appreciated.
7. Taking into consideration the facts and circumstances of the case, I am of this view that this is a fit case where the applicant should be

enlarged on anticipatory bail.

8. Accordingly, the anticipatory bail application of applicant is allowed and 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 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 applicants 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge