

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1011 of 2018**

Ramakant Shrivastav, S/o. Late Shri S.P. Shrivastav, Aged About 45 Years, R/o.- Abhiyanta (B.R.I.), Railway Colony, Thana- Gudhiyari, Tahsil and District- Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Civil Line, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vinay Pandey, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, P.L.
For Objector	: Mr. A.S. Rajput, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/09/2018**

1. Apprehending arrest in connection with Crime No.668/2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 420 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. It is a fact that the complainant, who is ex-wife of the applicant had executed power of attorney on 04.12.2012 and on the basis of that power of attorney, landed property were sold in the year 2013 and 2014. Complaint was filed by the complainant on 19.02.2015 making allegations that her property was fraudulently transferred by this applicant this is totally a false statement as the complainant never tried to revoke the power of attorney. 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.
4. Counsel for the objector after adopting the arguments of the State submits that the signature of the complainant was fraudulently obtained by the applicant on power of attorney and the same has been misused to sale out the property of the complainant. Further the consideration received has also not been remitted to the complainant because of which, she has filed this complaint. It is also alleged that at the time of divorce, the applicant had promised to pay her Rs.10.00 lakhs, but has not fulfilled the same, hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the complaint filed by the complainant on the basis of which FIR has been lodged in this case, it is alleged that at the time of the dissolution of marriage, this applicant induced and misguided the complainant and obtained a power of attorney in his favour and the same has been misused by transferring the property of the complainant regarding which, the consideration amount has not been paid to the complainant by the applicant.
7. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and the documents that have been filed along with this application and the objection filed in this case, I am of this view that this case has glimpse of matrimonial dispute as well as civil dispute, hence, for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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