

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1032 of 2018

- Ramesh Kumar Agrawal S/o Late Babulal Agrawal Aged About 49 Years R/o- 56 Bajrang Para, Kohaka, Ward No. 8, Sirsa Road, Supela, Bhilai, District- Durg, Chhattisgarh Having Shop In The Name Of Jalebiwala, Jalebi Chowk, Camp-1, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Supela, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. P.R. Patankar, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.548/2018 registered at Police Station-Supela, District – Durg(C.G.), for the offence punishable under Sections 420/34 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 this case. The applicant was simply broker and he had played a role in the transaction that has taken place between the main accused Sarjeet Kaur and the complainant.

Although the agreement to sell dated 4.7.2017 was executed by this applicant on behalf of vendor Sarjeet Kaur, but no amount was received by the applicant on that day. On the day of execution of sale-deed dated 31.7.2017, this applicant has received the amount of brokerage only from the complainant. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Case of the prosecution is that this applicant played a role of broker in getting the transaction done between co-accused Sarjeet Kaur as Vendor and complainant Ashok Kumar Gupta as purchaser, and in turn, he had received brokerage of Rs.18 lakhs in this transaction. The sale-deed was executed on 31.7.2017. Subsequently the complainant came to know that a civil suit is pending in the Court, in which, an order of stay with respect to sale of land in question was in operation, even then the transaction was made by the applicant and co-accused persons. Hence, the FIR has been lodged.
6. After considering on entire material present in the case diary, I feel inclined to grant bail to this applicant with the condition that applicant shall return the brokerage amount to the complainant.
7. 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 and also on producing

acknowledgement showing payment of brokerage amount of Rs.18,00,000/- to the complainant by the applicant. 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

Nisha