

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1018 of 2018**

Mukesh Agrawal, S/o. Omprakash Agrawal, Aged About 50 Years, R/o.-  
Ward No. 8, Bagbahra, Police Station and Tahsil- Bagbahra, District-  
Mahasamund, Chhattisgarh.

----Applicant

**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station-  
Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Goutam Khetrapal, Advocate   |
| For Respondent/State | : Mr. Rahul Tamaskar, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****14/09/2018**

1. Apprehending arrest in connection with Crime No.33368048180155 /2018, registered at Police Station – Mahasamund, District – Mahasamund (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 is Director of Jindal Electricity Generation Pvt. Ltd. The applicant has sold his personal property to one Usha Laxmi Gupta on 11.04.2015 and on search made by the advocates, it was found that the property was clear from encumbrances. The land was mutated in

favour of the purchaser. Subsequently, the property has been attached against RRC for recovery of dues of CSPDCL without any basis as the property was not the company property and only the company property could have been attached for the said recovery. 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 this applicant has concealed this fact about recovery from the mother of the complainant, who happens to be purchaser in this case and thus this suppression amounts to be an offence of cheating. Hence, the applicant is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The facts of the case are briefly discussed herein above. Because of the attachment of the property sold to the mother of the complainant against RRC for recovery of dues of CSPDCL, FIR has been lodged in this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and finding confirmation with the material in the case diary that the applicant happens to be a Director of Jindal Electricity Generation Pvt. Ltd. and the statement of the complainant that attachment has been made for the dues against the this applicant is based on the information received from the Tahsildar, whereas the Tahsildar has not been examined as a witness in the investigation. Hence, after due

consideration, 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