

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1022 of 2018**

Shreshtha Pathak, S/o. Mithilesh Kumar Pathak, Aged About 36 Years,
R/o. In Front Of Jain Mandir, Sarkanda, P. S. Sarkanda, District Bilaspur
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through SHO, P. S. Sarkanda, District Bilaspur
Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/10/2018**

1. Apprehending arrest in connection with Crime No.493/2018, registered at Police Station – Sarkanda, 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. In fact it is case of civil dispute and instead of approaching civil Court, the complainant has falsely made allegation in the FIR lodged regarding the commission of offence of cheating. Therefore, it is prayed 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. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he on behalf of Tiharu Ram as holder of the power of attorney entered into an agreement on 08.11.2017 for sale of land belonging to Tiharu Ram and received an amount of Rs.18.00 lakhs in advance. As this agreement could not be performed, subsequent to that one oral agreement was entered into between the applicant and complainant – Ravindra Sharma, in which consideration price was enhanced to Rs.42.00 lakhs, but the same agreement remained unperformed. Subsequently, FIR has been lodged on 07.07.2018 by the complainant alleging that the applicant is not performing his part in the agreement and neither he is making refund of the amount received by him in advance.
6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and the nature of the case against this applicant, 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

Balram