

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1036 of 2018**

Rishi Raje Rajak, S/o. Late Ramcharan Rajak, Aged About 27 Years, R/o.-
Tilak Nagar, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through- The District Magistrate, Bilaspur,
District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.L. Soni, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/09/2018**

1. Apprehending arrest in connection with Crime No.672/2018, registered at Police Station – Civil Line, 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. The applicant had in fact in capacity of power of attorney holder of Piparha Banjare had executed an agreement for sale of the land belonging to the Piparha Banjare for which he has received Rs.5.00 lakhs in advance from the complainant – Rajesh Singh. As the owner of the said land Piparha Banjare, S/o. Itwari has raised civil dispute, the

agreement is no longer executable for which the applicant is ready to make refund of the amount received by him in advance and according to the facts present in the case, no case is made out against the applicant. Hence, for this reason, 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. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the applicant in capacity of power of attorney holder of Piparha Banjare entered into an agreement on 07.05.2015 for sale of the land belonging to Piparaha Banjare, regarding which he received an advance of Rs.5.00 lakhs and because of the civil dispute raised by the owner of the land, agreement is not executable.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, 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.
- (v) that the applicant shall make refund of Rs.5.00 lakhs to the complainant and produce the acknowledgement before the concerned authority he furnishes bail bonds according to order of this Court.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge