

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1089 of 2018**

Vijay Tiwari S/o Shri K.P. Tiwari Aged About 49 Years R/o B-116, Vip Estate Khamhardih Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Police Station Civil Line Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.C. Verma, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.10.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 402 of 2018, registered at Police Station – Civil Lines, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant in capacity of President of Cooperative Housing Society had transferred one plot to the complainant on 16.9.2010. The complainant himself was negligent in getting the mutation

done in time and as he has been unable to get the mutation done in his name, hence, he has lodged the FIR against the applicant, which is totally false. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. A written complaint has been given by the complainant on 8.6.2018 alleging that the land purchased by him from the applicant could not be mutated because of his negligence and when he applied for the mutation of the said land he came to know that neither there is any such body named and styled as Cooperative Housing Society nor the applicant is the President of such society.

7. Perused the contents of the case-diary. It appears that the execution of the sale-deed is not disputed and the Court below has itself observed in the order passed by it, that the existence of Cooperative Housing Society is there in the revenue records, in which the applicant is shown as the President of that society. The investigation shall make the things clear. Hence, looking to the nature of allegation against the applicant, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application 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 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 them 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