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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1119 of 2018**

Bajrang Agrawal S/o Late Devkaran Agrawal Aged About 56 Years R/o-
Village- Pratapgarh Police Station And Tahsil- Sitapur, District- Surguja,
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station-
Sitapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Respondent

For the Applicant : Shri Rahul Mishra, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 28.8.2018 in M.Cr.C.(A) No. 471 of 2018. The applicant has been arrested in connection with Crime No. 46 of 2018, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is a fact that the applicant and complainant – Smt. Chanchal Goyal are in relation with each other and because of some

business requirement of the complainant, the applicant and the complainant entered into a formal agreement which was required to be produced by the complainant for her business purposes. Neither that had been an actual agreement for sale nor any consideration was passed to the applicant. Subsequently, the intention of the complainant has changed and she has started pressing to get the land transferred in her name and on refusal, a false FIR has been lodged against the applicant. 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. It is submitted that there is evidence present in the case-diary against the applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the case against the applicant, on 30.7.2015, the applicant entered into an agreement with complainant – Smt. Chanchal Goyal for sale of his land and an amount of Rs.11,00,000/- was received in advance. After passing of about more than 2 ½ years, the FIR has been lodged on 28.3.2018 alleging that the applicant had suppressed this fact that the property in the agreement was already a mortgaged land.

7. After due consideration of all the aspects in this case, 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