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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1116 of 2018**

Laxmikant Chandrakar S/o Late Shri Kanhaiya Lal Chandrakar Aged About 61 Years R/o- Village- Loharsi, Thana And Tahsil- Patan, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Civil Lines, Raipur, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, 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 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. 519 of 2018, registered at Police Station – Civil Lines, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Sections 420, 467, 468, 471, 406 and 120B/ 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 had entered into an agreement for sale of his property on 12.2.2010. The purchaser party, who is the

complainant could not arrange the funds for execution of sale, hence, the agreement remained un-performed. Subsequent to that, another agreement was entered between them on 5.5.2015 which again could not be performed for the reason that the cheques for payment of consideration were dishonoured due to insufficient fund. Hence, after the last date given in the agreement dated 5.5.2015, the applicant entered into an agreement for sale of his property with the third person. Hence, for this reason, a false FIR has been lodged by the complainant 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 this case 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. The case against the applicant briefly is that the complainant has failed to execute the sale-deed of the property regarding which, he had entered into an agreement with the complainant. The complainant has not preferred any civil suit for specific performance and has directly lodged this FIR against the applicant.

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