

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1336 of 2018**

Sanjay Tiwari, S/o. Shri Radheshyam Tiwari, Aged About 40 Years, R/o.-
Ekta Nagar, Gudhiyari, Police Station Gudhiyari, District- Raipur,
Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/10/2018**

1. Apprehending arrest in connection with Crime No.162/2018, registered at Police Station – Purani Basti, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 34 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. It is submitted that the applicant in capacity of power of attorney holder entered into an agreement for sale and received amount in advance on behalf of the owner of the land, which was transferred to the owner of the land. Subsequent to that power of attorney was revoked by the owner and he has refused to sale the land because of which, this FIR has been lodged. The case against the applicant is of civil

nature. 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. It is submitted that there is evidence against the applicant to make out a case against him. Hence, he may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecution case in brief is this that the applicant on the basis of power of attorney given by the land lord, entered into an agreement for sale with complainant Sanjay Rahangdale on 13.02.2017 and received advance amount of Rs.5,80,000/- as the land could not be transferred, the complainant made enquiry and came to know that the land lord does not want to sale the land and he has revoked the power of attorney in favour of the applicant. Hence, this case.
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, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram