

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1055 of 2017**

Manoj Mandal S/o Late Manoranjan Mandal, Aged About 42 Years
Occupation Agriculturist, Caste Namosudra, R/o Durgapur Colony,
Dharamjaigarh, Tehsil and P.S. Dharamjaigarh District Raigarh
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Office Dharamjaigarh
District Raigarh Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.01.2018**

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. 217 of 2017 registered at Police Station – Dharamjaigarh, District – Raigarh, Chhattisgarh for the offences punishable under Sections 417, 418, 419, 420, 467, 468, 469, 470, 471 and 120-B/ 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that no case is made out against the applicant on the basis of the material available in the charge-sheet. He further submits that the only piece of evidence against the applicant is that an amount of Rs.2,50,000/- has been transferred to his account from the account of the complainant, for which he has a defence that the same amount has been transferred with respect to another transaction between the applicant and the complainant. Hence, it is prayed that the applicant deserves to 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 in the complaint made by complainant – Setram Chaudhary, name of the applicant is mentioned as one of the persons who have given inducement to cheat the complainant. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

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

6. A complaint was lodged by complainant – Setram Chaudhary on 10.7.2017 that co-accused Amarlal Patel gave him a proposal to purchase a land situated in Durgapur and the applicant went alongwith others to see the concerned land. Thereafter, the applicant and others prepared the papers for registration of sale deed and sale deed was registered on 28.2.2017. On asking of co-accused – Amarlal Patel, the complainant gave him cash of Rs.60,000/- and six cheques of worth Rs.1,43,400/-, Rs.6,00,000/-,

Rs.2,50,000/-, Rs.2,50,000/-, Rs.2,50,000/- and Rs.4,73,000/-. The complainant did not receive the registration papers and he came to know about the fraud committed with him that the land was sold to him by some persons impersonating as the original land owners. The allegation against the applicant is only that he received Rs.2,50,000/- which has been transferred to his account from the account of the complainant.

7. Considering the submissions and the contents of the case-diary, and taking into consideration the evidence that is proposed against the applicant to connect the receipt of amount with the alleged commission of offence, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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