

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1122 of 2017

- Upendra Pradhan S/o Prabhumani Pradhan Aged About 45 Years R/o Village Beldih, Chowki Bundeli, Police Station Tendukona, Tahsil Pithora, Distt Mahasamund Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/02/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.415/2017 registered at Police Station- Mahasamund, District – Mahasamund(C.G.), for the offence punishable under Section 420/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Allegation against the applicant is that he cheated the complainant and induced him to sell out his landed property. It is submitted that applicant has not been benefited from the said transaction and no civil suit has been filed by the complainant for cancellation of said sale-deed. The sale-deed was executed by the real owners themselves. No case is made out against

him. Hence, it is prayed that he may be released on bail.

3. Learned State counsel opposes the bail application and the submissions. It is submitted that applicant is a facilitator to obtain loan. The complainant approached him for obtaining loan. The applicant on the pretext that mortgage document is being executed deceitfully got executed the sale-deed. Hence, the applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the case against this applicant, Rajkumari Pradhan, owner of the land in question, owed Rs.3,80,000/- as a loan from SBI, Pithoura. Applicant met her and assured that he can arrange a loan to her for making repayment of bank loan. However, on the inducement given by this applicant, the complainant and others have executed the sale-deed in favour of one Shraddha Nayak believing that they are executing a deed for mortgage and in the said sale deed present applicant is also one of the witnesses.
6. Considered.
7. As the sale-deed has been executed by the real owners of the said land before the registration authority because of which the execution of sale-deed has a presumptive value. Under these circumstances, I am of this opinion that applicant deserves to 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 his executing a personal bond in the 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 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge