

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 44 of 2019**

1. Smt. Krishna Saxena W/o Late Shri Jagdeep Kumar Saxena Aged About 75 Years R/o House No. 174, Sunder Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Satyarth Saxena S/o Late Shri Jagdeep Kumar Saxena Aged About 44 Years R/o House No. 174, Sunder Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Smt. Vandana W/o Rajeev Verma Aged About 47 Years R/o C/10, Sector 2, Agrsen Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station- D.D. Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Amrito Das, Advocate.
 For the Respondent/State : Shri Arun Shukla, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.01.2019**

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 applicants who are apprehending arrest in connection with Crime No. 369 of 2018, registered at Police Station – D.D. Nagar, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The applicants and complainant – Dr. Savita Pandey are related to each other. The complainant had some bank balance on account of sale of property in Lucknow which was borrowed by these applicants. The property was purchased on 23.7.2014 in which the complainant herself was one of the joint owners. All the amount borrowed from the complainant has been repaid to her through transfers in bank accounts regarding which the documents are filed alongwith the application showing the proof of repayment. After passing of about 4 years, the complainant has lodged a totally false FIR against these applicants making allegations that she was influenced to sale out her property in Lucknow and the proceeds to sale obtained by her have been misappropriated by these applicants. Hence, it is prayed that the applicants 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 according to the complaint made by the complainant there are serious allegations against all these applicants about cheating her of her possessions and property. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

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

6. A written complaint was filed by complainant – Dr. Savita Pandey making allegation that she had to sale out the property at Lucknow and all

the proceedings of sale have been misappropriated by the applicants.

7. On perusal of the contents of the case-diary and the documents that have been filed alongwith this application, it appears that there are some bank transactions between the applicants and the complainant which may be regarded as payment made to the complainant. The copy of sale deed dated 23.7.2014 is also produced alongwith the application in which the complainant is shown as one of the purchaser in the sale deed and also the presence before the Registrar has been verified. Hence, under these circumstances, I am of the considered view that the present is a fit case where the applicants 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 applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicants 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

Nimmi