

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 6 of 2019**

Idrish Ahmed S/o Nawab Ahmed Aged About 34 Years R/o Azad Chowk,
Bhilai-03, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Supela
Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Saumya Sharma, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.01.2019**

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 applicant who is apprehending arrest in connection with Crime No. 991 of 2018, registered at Police Station – Supela, District Durg, Chhattisgarh for the offences punishable under Section 420/ 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. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The transaction between the applicant and the complainant had been for purchase of flat in which the applicant could not perform his part in time. It is

further submitted that it is a dispute of civil nature and apart from that, the applicant and the complainant both have compromised regarding which, they filed no objection statement before the Court below which has been considered in the order rejecting anticipatory bail of the Court below. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The applicant is a builder. Complainant – Santosh Jain entered into an agreement with the applicant for purchase of one flat at price Rs.13,00,000/- and the whole consideration was received in advance but after passing of time, neither the flat was given to the complainant after construction nor the amount was refunded. Therefore, the FIR has been lodged.

7. Taking into consideration the nature of the case and also considering that it is a case of failed transaction, I feel inclined to grant anticipatory bail to the applicant.

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