

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 19 of 2019

- Mohammad Anwar S/o Late Shri Mohammad Asfak, Aged About 58 Years, R/o Yadunandan Nagar, Bilaspur, Tahsil and District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station Civil Line Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri N.L.Soni, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-01-2019

1. Apprehending arrest in connection with Crime No.1004/2018, registered at Police Station – Civil Line, Bilaspur, District - Bilaspur, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. In fact, it may be a case of civil breach of contract as the applicant has not performed his part and canceled the agreement with the complainant. Therefore, no case is made out. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, the applicant gave inducement to complainant Hemlata Patre that he is owner of a property and wants to sale the same, on which they have entered into an agreement which was reduced in writing and the applicant has received Rs. 1,00,000/- in advance. Subsequent

to this agreement, the applicant has failed to perform his part in executing the sale deed in favour of the complainant. Hence, this case.

6. After due consideration on the material present in the case diary and considering that the complainant has also civil remedy available to her, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge