

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 54 of 2019**

Bharat Singh Sahu S/o Punuram Sahu Aged About 65 Years R/o Village - Heerapur, Police Station Balod, District - Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - Balod District - Balod Dhhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.01.2019**

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. 465 of 2018, registered at Police Station – Balod, District Balod, 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. This applicant is simply a document writer and he has prepared a document of

sale on the instructions given by the complainant and parties to the sale and the co-accused persons are the purchasers. There is no allegation against the applicant that he had been a party to the offence of cheating. 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. FIR has been lodged by complainant – Swati Sahu that she made a sale of her land to co-accused persons, Yogeshwar Prasad and others and the sale deed was prepared by this applicant in capacity of document writer. The amount was paid to her through cheque by the purchasers. The co-accused persons, namely, Yogeshwar Prasad and others helped the complainant and on pretext of helping the complainant, opened a bank account in her name and on that basis of ATM and password were obtained, using which the deposited amount was withdrawn by the co-accused persons fraudulently.

7. As there is no specific allegation against the applicant that he was one of the persons who has withdrawn the amount, therefore, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed.

9. 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