

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 97 of 2019

1. Dinsesh Dulani S/o Shri Nanakram Dulani, Aged About 33 Years, R/o Mata Devla Ward Santkanwar Chauk, Bhatapara, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Suresh Dulani S/o Shri Nanakram Dulani, Aged About 32 Years, R/o Mata Devla Ward Santkanwar Chauk, Bhatapara, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through The Police Station Civil Line, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants– Shri Samir Singh, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2019

1. Apprehending arrest in connection with Crime No.743/2018, registered at Police Station – Civil Line, District Raipur, Chhattisgarh for offence punishable under Section 420/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. The applicant No.2 had obtained loan from Magma Housing Finance Limited in the year 2015 and has made repayment of about 8 lakhs till date. The FIR has been lodged because the finance company has enquired and found that the plot for which the loan was obtained is non-existent. This fact itself shows that this applicant himself has been cheated by the property dealer. Apart from that, the finance company had itself verified the property on which the loan has been disbursed. The applicant No.1 is prosecuted only for the reason that he had been a guarantor in the said loan transaction. Hence, it is prayed that both

the applicants may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that no case is made out for grant of anticipatory bail and it is a case of organized fraud therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. A complaint was filed by Magma Housing Finance Limited against these applicants and other co-accused persons that on the basis of documents produced by these applicants and the vendor Sudhhuram Sahu who is co-accused a loan of Rs.20,40,000/- was sanctioned in favour of these applicants. Thereafter, the sale deed was also registered on 07-08-2015. When the applicants defaulted in repayment of loan, they were served with notice in which they replied that the land that they have purchased is not found on the spot. Hence, this case.

6. On perusal of the documents present in the case diary, it appears that the applicant No.2 himself has filed a complaint to the police making complaint against the vendor of the plot and others that he has been cheated and has also filed a private complaint. After due consideration, it has appeared that who is the person cheated in this case is yet to be made out through further investigation, but for the present 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 these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

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

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge