

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 117 of 2019

1. Nagendra Mohan Jain S/o Late D.L. Jain, Aged About 65 Years, R/o 58/10, Nehru Nagar (East), Bhilai, Durg, Tehsil and District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Samarpan Kumar Jain S/o Nagendra Mohan Jain, Aged About 38 Years, R/o 58/10, Nehru Nagar (East), Bhilai, Durg Tehsil and District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, Police Station Utai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri Anmol Sharma, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

13-02-2019

1. Apprehending arrest in connection with Crime No.444/2018, registered at Police Station – Utai, District- Durg, Chhattisgarh for offence punishable under Section 420, 419, 467, 468, 471, 120-B and 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. These applicants have played no role in the negotiation for the sale of property of the complainant and neither they have received the consideration price. Only for the reason that these applicants have received commission in the said sale, it cannot be said that they have participated in commission of the offence. Particularly the case is targeted against main accused Nirbhay Jain. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence that these applicants have assisted main accused Nirbhay Jain in commission of the offence of forgery, cheating

and impersonation, therefore, they are not entitled for grant of anticipatory bail.

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

5. Complainant Aatik Hussain has lodged the FIR alleging that he negotiated with co-accused Nirbhay Jain for purchase of lands and through him the purchase was made by payment of consideration price Rs.69,75,000/- to the co-accused persons. When the complainant came to know that the persons who appeared as sellers of the lands were impersonators, he has lodged the FIR. It is alleged that these applicants have received commission and fees for preparation of documents and mutation etc.

6. After considering role of these applicants in this case and also for the reason that direct allegation of commission of offences is only against Nirbhay Jain, 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

Aadil