

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 289 of 2019

1. Rajesh Lakra, S/o. Late Rambharos Lakra, Aged About 26 Years, R/o. Village Alkhadiha, P.S. Balrampur.
2. Banarsi Minz, S/o. Hari Minz, Aged About 25 Years, R/o. Village Andhori, Police Station Balrampur.
3. Belas Singh @ Rambelas, S/o. Devnarayan @ Hira Singh, Aged About 35 Years, R/o. Village Lodha, Police Station Ramchandrapur,
4. Florence Tirkey, S/o. Late Siril Tirkey, Aged About 45 Years, R/o. Karcha Chhawari Para Police Station Chando.

All District Balrampur Ramanujganj Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through : Police Station Balrampur, District Balrampur- Ramanujganj Chhattisgarh.

---- Respondent

For Applicants	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/04/2019

1. Apprehending arrest in connection with Crime No.224/2018, registered at Police Station – Balrampur, District – Balrampur- Ramanujganj (C.G.) for offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. The applicants are purchaser of land belonging to the complainant Chamru Singh and Dhodhaka Singh @ Thondhal Singh. The sale was transacted by registered sale deed and the consideration amount was paid Rs.1.00 lakh in cash and remaining amount of Rs.5.00 lakhs was paid through cheque bearing No.664511, which has not been presented in the bank for encashment by the complainant instead of that he has made false allegation in the FIR lodged. It is a case of civil nature and the complainant can approach the Civil Court. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the statement made by the complainant Chamru Singh and Dhodhaka Singh @ Thondhal Singh, they were not willing to sell out of their property, but the applicants by inducement and by deceit took them in the registry office and got the sale deed registered without their free consent and consideration amount has also not been paid to them in entirety, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case of the prosecution in brief is discussed herein above, which needs no repetition.

6. Considered the submissions made and the contents of the case diary. There exists sale deed registered in favour of the applicants, which clearly mentions that consideration has been paid in cash Rs.1.00 lakhs and remaining amount is paid through cheque. There is no statement made by any complainant that they ever presented the cheque for encashment before the Bank. It appears that there is also civil remedy available in this case hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

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

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram