

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 269 of 2019

- Prafull Kumar Agrawal S/o Late Shri Ashok Agrawal, Aged About 52 Years, R/o 74, Green Avenue, Daldal Seoni, Mova, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Dr. N.K. Shukla, Senior Advocate with Shri Ajay Lakra, Advocate.

For Non-applicant/State – Shri H.S. Ahluwalia, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.507/2018, registered at Police Station – Civil Lines, Raipur, District Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 and 120(B) 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 regarding commission of offence of cheating and forgery. The applicant is a practicing Advocate and he has simply made search for the bank and given his opinion by submitting a report on the basis of information before him and also finding that co-accused Subhash Sharma and others were the registered owner of the property had given the opinion regarding their ownership. On that basis, no offence is made out against this applicant. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant had the responsibility to search and verify the truth of the documents and without searching the same he has made false

statement that he has verified from revenue records and has given opinion which was suitable to the other co-accused persons with a purpose. Therefore, he is not entitled for grant of anticipatory bail.

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

5. According to the FIR lodged, complainant Harbanshlal had sold his property to the company of Subhash Sharma and others on 25-09-2013 on the basis of consideration paid to him by post dated cheque. The cheque given by the purchaser was dishonoured, because of which a complaint under Section 138 of the Negotiable Instruments Act was filed against the persons concerned. Later on, another complaint was filed by him before the Court and on the prayer made under Section 156(3) of the Cr.P.C., the Court has ordered for lodging of the FIR. The applicant has been arrayed as accused in this case for the reason that he had given a search report in the matter of loan application filed by the co-accused persons by mortgaging the disputed land. Hence, this Case.

6. Considered on the entire material present in the case diary. As it is not denied that there had been a sale deed existing in favour of the co-accused persons on the date this applicant had given report, therefore, 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