

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 387 of 2019

- Kishor Rakundla S/o Shri Bhavan Ji Bhai Rakundla, Aged About 68 Years, R/o Kachahari Chowk Sadar Bazar, Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station City Kotwali, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Maneesh Sharma and Shri Pragalbha Sharma, Advocates.
For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

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

19-03-2019

1. Apprehending arrest in connection with Crime No.69/2019, registered at Police Station – City Kotwali, Raipur, District Raipur, Chhattisgarh for offence punishable under Section 420, 120B, R/w 34 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. The negotiation of the purchase of land had taken place by the seller, co-accused Popat Mihir through broker Vekas Rakundla who is son of this applicant. Name of this applicant has nowhere appeared to show that he was one of the negotiators. He has been implicated only to create pressure for refund of the amount which is being demanded by the complainant from the seller of the land. The applicant is a senior citizen and he is not involved in this case, hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that in the FIR, it is alleged that this applicant was also involved in the said negotiation of the fraudulent sale, hence, his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. In the FIR it is alleged that broker Vikas Rakundla negotiated for sale of a land to complainant Raju Mandal which was shown to be land by the roadside. After sale deed was executed and consideration was passed on the complainant came to know that the land sold to him was located somewhere inside the village and thus, he was cheated. Hence, this case.
6. Considered on the entire material present in the case diary and looking to the evidence that is proposed against this applicant for his prosecution in this case, 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