

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 447 of 2019

- Yogendra Kishore @ Raju Nishad, S/o Shri Bhaiya Lal Nishad, Aged About 35 Years, R/o Ambedkar Chowk, Nishad Bhawan Kohka Road, Supela, Bhilai, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri T.K. Jha, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-04-2019

1. Apprehending arrest in connection with Crime No.189/2019, registered at Police Station – Supela, District Durg, Chhattisgarh for offence punishable under Section 420 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 applicant was authorized power of attorney holder of land owner Ramsajivan and on the basis of that power of attorney he entered into an agreement with Pratap Singh and Vijay Kant Pandey and also received some consideration in advance. The complainants did not turn up for registration of sale deed within the time stipulated, therefore, the applicant has made purchase of the property in his own name, regarding which the land owner Ramsajivan has no grievance. Therefore, no case of cheating is made out. Hence, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has misused the power of attorney to get the

property transferred by sale deed in his own favour which is an offence of cheating. Hence, the application may be rejected.

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

5. According to the complaint filed, the applicant in capacity of power of attorney holder of Ramsajivan with respect to the property in question entered into an agreement with the complainants and received in advance Rs.1,00,000/-, thereafter, he never made any effort to get the sale deed registered in favour of the complainants and later on the complainants have come to know that the applicant has transferred the property in his own name by making use of same power of attorney.

6. After considering on the material present in the case diary and nature of the case in particular, 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

Aadil