

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 556 of 2019**

Ravikant Singh, S/o. Late Narendra Singh, Aged About 44 Years, Caste - Kshatriya, Occupation - Agriculturist and Business, R/o Village Sargawan, Post Sakola, Police Station Gandhi Nagar, Tahsil Ambikapur, District Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent	: Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2019**

1. Apprehending arrest in connection with Crime No.344/2018, registered at Police Station – Jainagar, District – Surajpur (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant was only a middle man in the transaction for sale of land that took place between the complainant and the co-accused person. The breach of contract has been made by the co-accused persons, in which this applicant has played no role. Therefore, it is prayed that the applicant be granted anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, the other co-accused person in capacity of the owner of the property entered into an agreement with the complainant Pankaj Shrivastava for sale of the land and obtained Rs.26,48,000/- in advance. Later on co-accused persons did not honour the terms of contract and have sold out the same land to other person. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The role of the applicant is clearly mentioned that he had mediated the negotiation between the parties to the agreement dated 21.03.2017. The applicant is the person, who has instigated the co-accused persons to sale out the land to other person is yet to be found in evidence, therefore, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram