

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 693 of 2019

- Prashant Choubey S/o Late Bharatlal Choubey Aged About 37 Years R/o Sai Vatika, Devpuri (Wrongly Mentioned As Devupari In The Rejection Order), Tehsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Pragalbha Sharma, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

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

17/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.69/2019 registered at Police Station-City Kotwali, Raipur, (C.G.), for the offence punishable under Sections 420, 120B r/w 34 of the Indian Penal Code, 1860.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. Infact transaction for sale had been between Popat Mihir and complainant Raju Mandal in which broker Vikas Rajkundla had negotiated. It was the broker who had induced this applicant to negotiate for purchase of land with complainant Vikas Ramkundla regarding which agreement was entered into between both the parties

and applicant had paid amount Rs.5 lakhs advance to the complainant. Thus, it is clear that this applicant has played no role in the offence of cheating as alleged in FIR. On the other hand, he himself was cheated on account of role of broker played in this case. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the complainant opposes bail application and submissions made in this respect. Broker Vikas Rakundal and this applicant are associated with each other and for the reason to make believe the complainant regarding value of land., some agreement was entered between applicant and complainant. Therefore, the applicant is equally involved in the commission of offence, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, broker Vikas Rakundal along with co-accused Popat Mihir negotiated for sale of land with complainant Rahu Mandal promising that the land is situated by road side. During that transaction an agreement was entered between the complainant and this applicant for sale of land to this applicant. Later on, the complainant came to know that the land sold to him by applicant is not situated by the road side, hence, lodged this FIR.
6. After considering the entire material present in the case diary, I feel inclined to allow the application of this applicant.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha