

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 780 of 2019**

- Santosh Sahu S/o Late Sagar Ram Sahu Aged About 35 Years R/o Village Jenjara, P.S. Rajim, District- Gariyaband, Chhattisgarh.

---- Applicant**Versus**

1. Vikki Tekwani, S/o Kodamal Tekwani Aged About 42 Years R/o Mahaveer Nagar, Raipur, P.S. Telibandha, Tahsil and District- Raipur, Chhattisgarh.
2. State of Chhattisgarh Through The District- Magistrate Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Applicant : Shri Raghvendra Pradhan, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

For Objector : Shri Nitesh Shriwas, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****26/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Criminal Case No. 5199/2018 registered in the Court of J.M.F.C. Raipur, (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code.
2. As per the prosecution story, complainant/non-applicant No. 1 Vikki Tekwani has filed a complaint against present applicant alleging therein that applicant has entered into agreement to sale in respect of Khasra No. 438/2 and 439 on 23.07.2015 and subsequently, applicant has sold the property to his wife and his wife sold the said property to one Dharmu. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually, the said property has already been sold long back in the year 2014 to one Dharmu Sahu. He further submits that applicant has never sold the said land to his wife nor his wife has sold the land to Dharmu. Complaint has been registered merely on the basis of photocopy of the documents and also applicant has not entered into any agreement with the complainant. It is further submitted that in the year 2013 applicant came in contact with one Smt. Khusboo and was involved in some unethical relationship with her. Complainant was helping hand of Khusboo in her unethical work. Thereafter, complainant and Khusboo demanded money from the applicant and also threatened him to implicate him in any criminal case on false ground. Thereafter, Khusboo made a false complaint of rape against the applicant. After investigation, the said complaint of rape was found false and police did not take any action against applicant. Complainant and Smt. Khusboo made several complaints against present applicant and his wife for the purpose of blackmailing them. It is further submitted that they have obtained signature of the applicant in a blank paper and later on, a forged agreement has been prepared by them. Thus, *prima facie*, no offence can be made out against present applicant. Looking to the above, applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State as well as Objector oppose the bail application. However, Counsel for Objector fairly admits the fact that said land was sold in the year 2014 itself to Dharmu by applicant. He further admits the fact that land was never sold by applicant to his wife and also his wife has not sold the land to Dharmu.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the admissions

made by Counsel for Objector, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge