

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 866 of 2019

- Probeer Kumar Mandal, S/o Malik Lal Mandal, Aged About 41 Years R/o Budimai Mandir Darogapara Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through-Station House Officer, Police Station (Chauki), Jutmil Raigarh District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate.
For Respondent/State : Mr. Adil Minhaj, Panel Lawyer.

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

21/06/2019

1. This is the first bail application of this applicant and the applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.980/2018 registered at Police Station-Jutmit, City Kotwali, Raigarh, District – Raigarh(C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. This applicant had been neither a party to the agreement nor the beneficiary of the amount of the transaction. He was simply a witness in the agreement between the co-accused and the seller of the land Tarulata Mehta, therefore, he has not participated in any commission of offence, hence, it is prayed

that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is statement that this applicant had acted as land broker in the fraudulent transaction between the co-accused and complainant, therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Prahalad Sidar has lodged FIR, that he entered into an agreement with co-accused Karamveer Singh Tuteja for purchase of same land for consideration of Rs.3,30,000/- on 23.7.2016 and paid an advanced amount Rs.2,35,000/- through cheque to co-accused Karamjeet Singh. As the co-accused did not execute the sale-deed, therefore, he made an inquiry and found out that the land in agreement was infact belonging to one Shri Ram Sewan Sahkari Samiti, Raigarh. The allegations against this applicant is this, that he had shown the land of the negotiation to the complainant. Hence, this case.
6. After considering the entire material present in the case diary, finding that this applicant is not a party to the agreement concerned, I feel inclined to allow this application.
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