

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 936 of 2019**

Vikas Kumar Rakundla S/o Shri Kishore Rakundla Aged About 32 Years R/o Kachahari Chowk, Sadar Bazar, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Trivikram Nayak, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.07.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 69 of 2019, registered at Police Station – City Kotwali, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 420 and 120B read with Section 34 of the Indian Penal Code.

3. It is submitted by 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 placed before the Court by the prosecution. The applicant has acted only as a broker. He has not made any misleading

statement to the complainant regarding the land to be sold. Similarly placed co-accused persons, namely, Kishor Rakundla and Prashant Choubey have been granted bail by this Court in M.Cr.C.(A) Nos. 387 of 2019 and 693 of 2019 vide orders dated 19.3.2019 and 17.5.2019. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The FIR has been lodged by complainant – Raju Mandal alleging that a land was shown by this applicant was situated at the road side. Thereafter, the complainant negotiated with the vendor of the said land and has paid consideration of Rs.52,40,000/- for the proposed sale to be executed. However, when the complainant found another prospective buyer for the same land he came to know that the land is not situated in the place shown. Hence, the FIR was lodged.

7. Considering the material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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. He 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 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