

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1080 of 2019**

- Amarnath Gupta S/o Sitaram Gupta Aged About 45 Years R/o Village Pachpedi, Transport Nagar, Ambikapur, Police Station and Post Office Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh, Through In Charge Of Police Station Ambikapur, District Surguja, Chhattisgarh.
2. Narbadiya W/o Bineshwar, Aged About 50 Years R/o Village Salhi, Police Station And Post Office Premnagar, District Surguja, Chhattisgarh.
3. Bineshwar S/o Late Mahadev Aged About 57 Years R/o Village Salhi, Police Station and Post Office Premnagar, District Surguja, Chhattisgarh.

---- Respondents

For Applicant	: Ms. Priyanka Mehta, Advocate.
For Respondents/State	: Smt. Smita Ghai, P.L.
For Objector	: Shri Nishi Kant Sinha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****14/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Complaint Case No. 1639/2018 pending before J.M.F.C., Ambikapur, District – Surguja, (C.G.) for the offence punishable under Sections 120 (a), 347, 387, 420 of Indian Penal Code.
2. In the present case, Respondent No. 02 & 03 have filed a complaint case before J.M.F.C., Ambikapur, District- Surguja, (C.G.) to the effect that present Applicant entered into an agreement for purchasing a land of Respondent No. 02 & 03 for total consideration amount of Rs.

25,00,000/- out of which he has given Rs. 6,00,000/- to Respondent No. 02 & 03 for purchasing tractor and remaining amount of Rs. 19,00,000/- was to be given at the time of Registry. It is further alleged that instead of giving remaining amount, Applicant took Respondent No. 2 & 3 and their son in Ambikapur and told them to execute the sale deed in his favour on 02.01.2014. On being demanding remaining amount, Applicant and his friends took Respondent No. 2 & 3 and their son in his house, locked in a room and threatened them. It is further alleged that on the next day i.e. on 03.01.2014 Applicant forcefully got executed the sale deed without paying any consideration amount and thereafter given five cheques saying that they may encash the cheques through bank. Thereafter, complainants and their son returned their home and deposited the said cheques in the bank. Complainant got only Rs. 10,00,000/- from two cheques however, did not obtain remaining amount. Other cheques regarding remaining amount were bounced. After some time, Complainant came to know that Applicant got registered the sale deed in name of four other persons in place of him. On the basis of the said, Complainant filed complaint before J.M.F.C. against the Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. She further submits that, *prima facie*, no any criminal case is made out against the present Applicant. It is further submitted that execution of sale deed was admitted by the Complainants. Complainants also received consideration amount, hence, no case can be made out against Applicant. Therefore, Applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
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 and further considering the fact that there is no dispute on the point that complainants have executed the sale deed and also obtained part of consideration amount, 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 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