

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1157 of 2019**

- Prakash Bajaj S/o Shri Madhav Das Bajaj Aged About 40 Years R/o C 62-63, Vip Estate, Police Station Pandri, Tahsil And District Raipur Chhattisgarh. Moblie No. 9425206709.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Telibandha, Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri B.P. Sharma and Shri M.L. Sakat, Advocates.
For Respondent/State	: Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/08/2019

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 347/2019 registered at Police Station Telibandha, District - Raipur, (C.G.). for the offence punishable under Sections 420, 506 of IPC.
2. As per the prosecution story, present Applicant and Complainant of the case namely Smt. Kiran Magar entered into an agreement for sale and purchase of house for sale consideration of Rs. 40,00,000/-. It has been said that the Complainant has paid Rs. 7,50,000/- in cash and Rs. 2,50,000/- by way of cheque, apart from this two blank cheques have also been given by the Complainant. It is further submitted that Applicant has assured the Complainant that he will make arrangement for finance of amount of Rs. 30,00,000/- and if unable, he will return amount of advance and thereafter failing to comply with the obligation of getting the amount financed, when the Complainant asked for

return of amount advanced, the Complainant has lodged report to the effect that by doing so the Applicant has defrauded the Complainant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case due to some political rivalry. He further submits that, if the entire case is taken as it is, prima facie, no offence under Section 420 of IPC can be made out against the Applicant. Also, the incident occurred in the year 2016 and after the delay of three years, report has been lodged by the Complainant. It is further submitted that the Applicant has acted in his capacity as a power of attorney holder of his sister-in-law namely Kavita Tharan for sale of the house situated at Bhawna Nagar and agreement to sale of said house has been executed between Complainant and Kavita Tharan. It is also submitted that as alleged amount of Rs. 2,50,000/- which has been paid through cheque was given in the name of Kavita Tharan and not in the name of present Applicant. With regard to amount of Rs. 7,50,000/-, there is no any documentary evidence. The matter seems to be of civil nature. Thus, it is prayed that, present Applicant may be extended the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application and submits that investigation is in initial stage and statements of some witnesses regarding transactions are to be recorded. Therefore, present Applicant should not be given the benefit of anticipatory bail.
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 facts of the case, without 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