

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1200 of 2019**

1. Sarita Ghosh W/o Shri Asish Kumar Ghosh Aged about 45 years, R/o H. No. 114, Gayatri Nagar, Raipur, Chhattisgarh.
2. Shri Asish Kumar Ghosh S/o Late M. R. Ghosh Aged about 50 years R/o H. No. 114, Gayatri Nagar, Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Chowki Jutmil, Kotwali Thana, Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Rahim Ubwani.
For Respondent	:	Shri Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

26/08/2019

1. This is the first application filed by the applicants under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail, who are apprehending their arrest in connection with Crime No. 454/2019, registered at Police Station Police Chowki Jutmil, Kotwali Thana, Raigarh (C.G.) for the offence punishable under Sections 420, 34 of the IPC 1860.
2. Case of the prosecution is that applicant No. 1 made an agreement for sale of a house situated at Raigarh with the complainant, for a sum of Rs.31,00,000/- on 28.09.2017. Against the said agreement she obtained Rs.1,00,000/- from the complainant as advance. Later on, it was found that the house/property is mortgaged with UCO Bank.
3. Learned counsel for the applicants submit that the applicants are innocent and they have been falsely implicated in this case. They have not committed any offence, only they have obtained loan from the Bank,

therefore, no case is made out against the applicants. He prays for releasing the applicants on anticipatory bail.

4. Counsel for the State, however, opposes the application for anticipatory bail.
5. I have heard learned counsel both the parties and perused the case-diary.
6. Considering the totality of the facts, in particular, the nature of allegations against the applicants, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application filed under Section 438 Cr.P.C. is allowed.
7. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the officer arresting them. They shall abide by all the terms and conditions laid down in Section 438 (2) of the Code of Criminal Procedure.
8. Certified copy as per rules.

**Sd/-
(Rajani Dubey)
JUDGE**