

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1197 of 2019

- Prateek Sonkar S/o Let Jawaharlal Sonkar Aged About 33 Years R/o Sonkar, Para, Purani Basti, Police Station Basti, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Rajnandgaov, District- Rajnandgaov, Chhattisgarh

---- Non-applicant

For Applicant : Mr. C.K. Kesharwani & Mr. Tarun Dansena,
Advocates.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-09-2019

Heard.

1. Apprehending arrest in connection with Crime No.92/2019, registered at Police Station— Kotwali, Rajnandgaov, District- Rajnandgaov, Chhattisgarh for offence punishable under Sections 420/34 of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The F.I.R. is based on an agreement dated 22.03.2013, in which there is no mention of the amount which was paid in advance by the complainant to this applicant. In fact, there has not been any agreement and there is no acknowledgment made by this applicant about receiving any specific amount. After waiting for about six years, the F.I.R. has been lodged by the complainant making false allegation that he had paid advance of Rs.30,00,000/- to this applicant in that agreement and thereafter, the

sale-deed has not been executed. Hence, it is a matter of civil dispute.

Hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the State opposes the application and submits that in the agreement dated 22.03.2013, there is a clear acknowledgment by this applicant and he is beneficiary of this agreement. There is clear evidence of commission of offence of cheating against him. Therefore, it is prayed that the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the F.I.R. lodged, it is alleged that this applicant entered into an agreement for sale of his property with Sudesh Kumar Jain and thereafter the applicant has also executed a registered power of attorney in favour of Sudesh Kumar Jain for making sale of land. It is alleged by the complainant that the agreement was entered into by Sudesh Kumar Jain on his behalf and after receiving the advance amount of Rs.30,00,000/- the sale deed was not executed and it was learnt by him that the said land was sold to other person.
6. On perusal of the copy of the agreement present in the case diary, it does not appear that the agreement was done on behalf of the complainant and also there is no clear statement regarding specific amount of advance given to the applicant by the complainant- Mukesh Jain. Further, the F.I.R. is belated by six years, therefore, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. Accordingly, the anticipatory bail application is allowed. 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. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil