

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1248 of 2019**

Arindar Pal Singh Bhatiya, S/o. Late Shri Harbansh Singh Bhatiya, Aged About 49 Years, R/o. Ward No. 2, Gurughasidas Ward, Ambagarh Chowki, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through: The Station House Officer, Police Station Ambagarh Chowki, Civil And Revenue District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate
For Respondent	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2019**

1. Apprehending arrest in connection with Crime No.39/2019, registered at Police Station – Ambagarh Chowki, District – Rajnandgaon (C.G.) for offence punishable under Section 420, 467, 468 & 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. It is not denied that the applicant and the complainant entered into an agreement for sale of property, however, applicant was not unable to perform the agreement that is why he has refunded the amount received in advance to the complainant, which has been deposited in the bank accounts of the husband of the complainant through RTGS. Copy of the RTGS slip is produced along with the application and also the applicant and the

complainant both have resolved their dispute. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is allegation present that this applicant has committed the offence of cheating and forgery, therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The FIR has been lodged alleging that this applicant entered into an agreement in capacity of power of attorney holder of Radhakrishnan Vaishnav and his wife Sushila Vaishnav for sale of the property on 10.04.2016. The applicant then received in total Rs.13,50,000/- through cash and cheques on different occasions. Thereafter, the applicant did not execute the sale deed in favour of the complainant and neither he made any refund, therefore, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After considering that it is a case of breach of contract and further the applicant claims that he has made refund of the whole amount received in advance. The complaint regarding which documents has been produced which also finds mentioned in the rejection order, therefore, looking to this development, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge