

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1281 of 2019**

- Yadram Yadav Son of Late Asharam Yadav Aged About 62 Years Caste Yadav, Resident Of Village Kotmarra, P.S. Pasan, Tahsil Pasan, District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Pasan, Civil and Revenue District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****20/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 66/2019 registered at Police Station Pasan, District – Korba, (C.G.). for the offence punishable under Sections 420 of Indian Penal Code.
2. As per the prosecution story, on 28.06.2019 complainant made a complaint alleging therein that he had entered into an agreement with the present applicant for sale of land of applicant to him for which applicant had taken Rs. 90,000/- as advance from him. Allegedly, present applicant sold the said land to one Mamta Sahu thereby committed cheating with the complainant. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that the said land is still in the name of present applicant and he has not sold the land to anyone else. Applicant is still ready to perform his part of agreement. It is further submitted that, present case is of civil nature. *Prima facie*, no offence under Section 420 of I.P.C. is made out against present Applicant. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and admits the fact that land in question has not been sold by applicant to Mamta Sahu.
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, considering the facts and circumstances of the case, evidence collected by the prosecution, 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

Prakash