

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1280 of 2019

- Kamlesh Kumar Patel S/o Alekhram Patel Aged About 42 Years R/o Village - Choda Police Station And Tehsil - Kharsiya District – Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Kharsiya, Raigarh District – Raigarh, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1448 of 2019

1. Shyam Kumar Verma S/o Kartik Ram Aged About 53 Years R/o Kharsiya Tehsil - Kharsiya District Raigarh, Chhattisgarh.
2. Daulat Ram Patel S/o Late Badrinath Patel, Aged About 53 Years R/o Village - Botalda Tehsil - Kharsiya District – Raigarh, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S. H. O. Kharsiya, Raigarh District – Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Shri Amit Sharma, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16/10/2019

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being decided by this common order.
3. The Applicants are apprehending their arrest in connection with Crime No. 313/2019 registered at Police Station Kharsiya, District Raigarh, (C.G.). for the offence punishable under Sections 420/34 of IPC.
4. As per the prosecution story, on 24.07.2019 a written complaint has been filed by the complainant Shiv Charan in the police station stating that on 05.06.2018, he made a sale deed in favour of one Purnima Patel for consideration amount of Rs. 45 Lakhs. It is further alleged by the Complainant that he had left his bag containing Rs. 5 Lakhs and three blank cheques in the house of Shyam Kumar Verma (Applicant in MCRCA No. 1448/2019). When Complainant came back to the house of Applicant Shyam Kumar Verma for taking his bag, to which Shyam Kumar Verma denied the Complainant regarding bag and which was never returned to the Complainant. It is further alleged that after execution of the sale deed, Complainant received a message in his mobile regarding deduction of Rs. 4,40,000/- from his bank account. On being inquired, it was found by the Complainant that Rs. 2,40,000/- has been credited in the bank account of Kamlesh Patel (Applicant in MCRCA No. 1280/2019) and Rs. 1,00,000/- each has been credited in the account of Daulat Ram Patel (Applicant in MCRCA No. 1448/2019) and Shyam Kumar Verma. On the basis of the said, offence has been registered.
5. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. It is further submitted that, Applicants are brokers and through them Complainant has sold his land to one Purnima Patel and

for that Complainant had given brokerage amount in the form of three cheques in favour of the Applicants and Applicants have deposited the said cheques in the bank and thereafter, the amount has been credited to their account. It is further submitted that on 23.05.2018, Rs. 1,00,000/- each has been credited in the account of Daulat Ram and Shyam Kumar Verma and on 26.06.2018, Rs. 2,40,000/- has been credited in the account of Kamlesh Kumar Patel. The Registry of the said land was done on 05.06.2018. It is mentioned in the written complaint that after 15 days of Registry, blank cheques were handed over to Shyam Kumar Verma. Thus, from the above the entire story seems to be concocted and false. *Prima facie*, no case can be made out against the Applicants. Therefore, they may be granted benefit of anticipatory bail. Therefore, it is prayed that, present Applicants may be extended the benefit of anticipatory bail.

6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties and perused the material available with due care.
8. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that prior to the execution of the said sale deed, Rs. 1,00,000/- each has been credited in the account of Applicant Daulat Ram and Shyam Kumar Verma, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
9. Accordingly, the bail applications are allowed.
10. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge