

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1785 of 2019

- Dadun Shah S/o Shri Dadu Shah Aged About 46 Years R/o Bangla No. 68, Aishwariya Kingdom, Kachna Road, Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandari District Raipur Chhattisgarh

---- Respondent

For Applicant	: Mr. Pramod Verma, Senior Advocate along with Mr. Vipin Tiwari, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 369/2019, registered at Police Station Pandari, Distt. Raipur (C.G.) for the offence punishable under Sections 420, 384, 506 & 34 of the IPC.
2. As per prosecution story, on 06.10.2019, complainant Mo. Asif lodged an FIR in concerned police station stating therein that he purchased land from co-accused Noor Begum by registered sale deed through the applicant on 23.06.2018 and his brother Mo. Shahid also purchased some land from co-accused Noor Begum by registered sale deed through the applicant on 16.03.2017. It has been alleged that the applicant along with co-accused Noor Begum shown some other land to them and sold some other land to them. It has been further alleged that the applicant has also demanded Rs.

50,00,000/- from the complainant and threatened him to kill if the said amount not deposited by him. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually in sale deed dated 16.03.2017 consideration amount was shown to be paid as cheque but no cheque was given by Shahid to the co-accused Noor Begum and sale deed dated 23.06.2018 consideration amount was shown to be paid as cheques for which the complainant has given 7 cheques to co-accused Noor Begum which were dishonored. Thus, no consideration amount was received by co-accused Noor Begum for which co-accused Noor Begum has filed two separate civil suits on 22.04.2019 for cancellation of both the sale deeds. Thereafter, to create pressure to the applicant and co-accused Noor Begum, present complaint has been filed. Prima facie no case can be made out against the applicant. The Counsel further submits that co-accused Noor Begum has already been granted benefit of anticipatory bail. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that co-accused Noor Begum has filed two separate civil suits on 22.04.2019 for cancellation of said sale deeds. Co-accused Noor Begum has already been granted benefit of anticipatory bail. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge