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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1652 of 2018**

Buddhadas Kaushik, S/o. Late Masatram Kaushik, Aged About 52 Years,
R/o. Shriram Nagar, Mandir Hasaud, Police Station- Mandir Hasaud,
Tahsil- Arang, District- Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station-
Civil Lines, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Mr. A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2019**

1. Apprehending arrest in connection with Crime No.647/2018, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 467, 468, 34 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. There had been no transaction between the applicant and the complainant – Anita Yadav, even then she has lodged false FIR making false allegation against this applicant. Agreement dated 13.05.2016, which has been made the basis of complaint, it is not

disclosed that this applicant was one of the party and this applicant has not received any money from the complainant, even then he was put under threat by the husband of the complainant and four blank cheques signed by him was obtained by force, regarding which complaint has been made to the police by the applicant and he also made a prayer to the bank to stop payment to the said cheques because of which the said cheques were dishonored by the bank. Therefore, this false FIR has been lodged against this applicant. 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant is a land broker and through him the complainant Anita Yadav entered into an agreement with one Jaichand for purchase of land for which, the complainant paid Rs.13.00 lakhs in advance. As the agreement could not be performed, the complainant demanded for refund of money on which, it is stated that this applicant gave cheques for the same, which were dishonored by the Bank.
6. Considered the submissions and the contents of the case diary. Apart from the earlier statement made by the complainant and other witnesses, there appears to be no written transaction between the applicant and the complainant, hence after due consideration, 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