

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1746 of 2018**

Reena Ghosh, D/o. Ravindra Kumar Ghosh, Aged About 47 Years, R/o. House No. 46, Behind Vaani Lodge, (Raj Is Wrongly Mentioned), Deepak Nagar, Police Station Mohan Nagar, Tehsil and District- Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District- Magistrate, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, 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.233/2018, registered at Police Station – Mohan Nagar, District – Durg (C.G.) for offence punishable under Section 420 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 case of failed agreement for which the criminal jurisdiction can not be invoked. However, the stand of the applicant is this that the applicant had never entered into an agreement nor

had received any advance amount, which he will contest in this case. Apart from that it appears to be a case of civil transaction. 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 the applicant has fraudulently received Rs.14.00 lakhs from the complainant with intention to pass on the title by the sale deed, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As the case is the applicant and the complainant Sunil Kumar Gupta entered into an agreement for sale of land against which Rs.14.00 lakhs was received as an advance by this applicant. Agreement to sale was not performed and the amount received in advance was not refunded to the complainant. Hence, this case.
6. Considered the submissions and the contents of the case diary. Considering on the entire material present in the case diary, particularly taking into consideration the nature of the case, which is also a case of civil remedy, hence, for this reason, 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, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram