

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 594 of 2020**

Avinash Peswani S/o Shri Suresh Peswani, A/a. 33 years R/o Flat No. 207,
Shilapark Apartment, Rajkishore Nagar, Bilaspur (C.G.)

---- Applicant**Versus**

1. State of Chhattisgarh through Police Station Incharge, P.S. Civil Lines, Distt. Bilaspur (C.G.).
2. Suresh Kumar Bajpai, S/o Shri Shiv Ganesh R/o Narmada Nagar, Police Station Civil Lines, Bilaspur, Tahsil & District Bilaspur (C.G.).

---- Respondents

For Applicant	:	Mr. Akash Shrivastava, Advocate
For Respondents	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order**24/06/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 220/2020 registered at police station – Civil Lines, Bilaspur, Tahsil & District Bilaspur (C.G.) for the offence punishable under Sections 420, 427, 447 and 34 of the IPC.
3. According to the case of the prosecution, the Complainant is owner of the land ad-measuring area about 4000 Sq.ft situated at Ameri. It is alleged that the applicant and co-accused Kamal Kishore, for the purpose to have illegal possession over the said land, had demolished the shade of the Complainant. A report in this regard was made by the care taker of the Complainant on 06/03/2020. It is also alleged that the

applicant and co-accused Kamal Kishore published an advertisement in the newspaper to the effect that they have made an agreement with the Complainant to purchase the said land and thereby they committed the offence.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further submits that the matter is of civil nature. The advertisement in the newspaper was published by the co-accused Kamal Kishore and he has already been enlarged on regular bail. Prima-faice no offence is made out against the applicant on the basis of material available on record.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering the fact that the matter is of civil nature, the advertisement was published in the newspaper by co-accused and he has already been granted regular bail, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul