

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 786 of 2020

Nareshchandra Likhmania S/o Brijmohan Likhmania Aged About 62 Years R/o In Front Of Power House Chowk , Main Road, Torwa, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Thana Torwa, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31/08/2020

1. The matter is heard through video conferencing.
2. 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. 192/2020, registered at Police Station Torwa, Distt. Bilaspur (C.G.) for the offence punishable under Sections 420 & 384 of the IPC.
3. According to the case of prosecution, on 29.03.2012, the applicant sold land bearing Khasra No. 1313, Rakba 39 dismil, Khasra 1315/2 Rakba 25 dismil and Khasra No. 1318 Rakba 16 dismil admeasuring to one acre to the complainant namely Sandeep Kedia who is the proprietor of JP Builders. Allegedly, at the time of execution of sale deed it was told by the applicant that virtually the land was agricultural land. It has been further alleged that later on the applicant started blackmailing the complainant by saying that the land is diverted land and the execution is illegal. Moreover, the applicant has filed many civil suits on the same issue and later on he withdrew the same. On the basis of said background, offence has been registered against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case

due to some business rivalry with the complainant. He further submits that from the contents of FIR and material collected by the prosecution prima facie no case under Section 384 of the IPC can be made out against the applicant and with regard to Section 420 of the IPC, learned Counsel would submit that after execution of sale deed i.e. executed in the year 2012 itself, the fact was within the knowledge of the complainant that the said land was diverted land despite of that no FIR has been lodged by him against the applicant and after 8 years, the complainant is implicating the applicant in the present case. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
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 alleged incident is of the year 2012 and after 8 years FIR has been lodged. 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 for a sum of Rs. 25,000/- with one solvent 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 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)