

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 860 of 2020**

- Sunil Agrawal S/o Late Omprakash Agarwal Aged About 44 Years Profession Chartered Accountant , R/o Gopal Bhawan, Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Thana City Kotwali District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Ms. Deepali Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****20/10/2020**

Heard through video conferencing.

1. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 438/2020 registered at Police Station City Kotwali, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.
2. According to the case of the prosecution, in the year 2009 complainant entered into agreement with co-accused Sanjay Agrawal to sold one acre of land. It is alleged that in the year 2012 Sanjay Agrawal told the complainant that he has been granted permission to

purchase the reserve land and agreed to purchase the one acre of land for consideration amount of Rs. 30,00,000/-. Before the execution of sale deed the complainant received Rs. 5,00,000/- advance from Sanjay Agrawal. Thereafter on 26.02.2012 after receiving a cheque of Rs. 30,00,000/- in the Registry Office from Sanjay Agrawal, the complainant signed the sale deed paper without reading and verifying the sale deed papers. Allegedly, the documents of the sale deed was prepared by the present applicant and the land was purchased in the name of other co-accused person namely Anand Rathiya. In the year 2018, a notice was served to the complainant by the Income Tax Department in which she was informed to pay the tax on amount received upon sale of the above said land total amounting Rs. 2,42,72,800/-. Thereafter, complainant inquired about the said and it was found that sale agreement in the year 2012 was not made for one acre land but fraudulently with intent of cheating, the papers were prepared for the whole four acre land. On the basis of the said background, on 20.6.2020, complainant lodged F.I.R. against the present applicant. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that present applicant is a Chartered Accountant by profession and he is practicing since last 20 years in the field of Accountancy. Being a Chartered Accountant, applicant only assisted in preparing the sale deed. Virtually, the disputed land was a joint property of the complainant and his family members and all are highly

qualified and educated. All the family members of the complainant alongwith complainant herself had given there consent for the sale of property (annexed as Annexure A/3). They were also present at the time of execution of sale deed in the Registry Office and they had no objection about sale of land and they had already handed-over the possession of the land to the purchaser Anand Rathiya and his name is also mutated in the Revenue Records. It is further submitted that from the contents of the F.I.R., it appears that present is a case of civil nature and complainant had already filed a civil suit No. 289(A)/2019 which is pending before Civil Court. It is further submitted that main allegations are against co-accused Sanjay Agrawal who has been already protected by this Court vide order dated 21.7.2020 passed in WP(CR) No. 315/2020. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the anticipatory bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that the alleged sale deed was executed in the year 2012 and F.I.R. has been lodged in the year 2020 i.e. after a gap of eight years, main allegations are against co-accused Sanjay Agrawal who has been already protected by this Court vide order dated 21.7.2020 passed in

WP(CR) No. 315/2020, and further considering the fact that applicant is a Chartered Accountant and being a Chartered Accountant, he only assisted in preparation of the sale deed, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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