

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 869 of 2020

1. Bhupendra Kishor Vaishnav S/o D. D. Vaishnav, Aged About 41 Years R/o Near Town Hall Kharsia, District Raigarh Chhattisgarh.
2. Arti Vaishnav W/o Bhupendra Kishor Vaishnav, Aged About 37 Years R/o Near Town Hall Kharsia, District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The District Magistrate Raigarh, District Raigarh Chhattisgarh, Thana Dongripali Tahsil Sarangarh Chhattisgarh.

---- Respondent

For Applicants : Mr. N.K. Malviya, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/08/2020

1. The matter is heard through video conferencing.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 30/2020, registered at Police Station Dongripali, Distt. Raigarh (C.G.) for the offence punishable under Section 420, 506 r/w Section 34 of the IPC.
3. In this case, both the applicants are husband and wife. As per prosecution story, the applicants are working as property dealers. On 14.12.2012, the applicants met with the complainant and allured him that if the complainant sold his property to one Ajit Kumar Singh, they would sell their property to him which would cause benefit to him. Thereafter, as told by the applicants, the complainant sold his property, but the applicants refused to sell their property to the complainant and also usurped the money which the complainant had to receive by selling his property. Thereby, the applicants have committed a crime of cheating with the complainant. On the basis said background, offence has been registered against the applicants.
4. Learned counsel appearing on behalf of the applicants submits that the

applicants are innocent and have been falsely implicated in the present case. He further submits that prima facie no offence can be made out against the applicants. The matter is of civil nature. The Counsel lastly submits that alleged incident is of the year 2012 and FIR has been lodged after eight years of the incident i.e. in the 2020. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. 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 facts that the case is of civil nature and the FIR has been lodged after 8 years of the incident. 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.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge