

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1038 of 2020

Chitrasen Kalihari, S/o Late Narayan Devdas, Aged About 30 Years,
R/o Gram Patora, Police Station- Utai, Tehsil- Patan, District- Durg
(C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Officer In-Charge, District Magistrate,
Police Station Patan, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. Anadi Sharma, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21/09/2020

1. This is second bail application of this applicant for grant of anticipatory bail. Earlier his first bail application MCRCA No. 1371 of 2019 was dismissed as withdrawn on 20.08.2019 with liberty to file application under Section 438 of Cr.P.C. before the Sessions Court.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No. 129/2019 registered at Police Station- Patan, District – Durg (C.G.), for the offence punishable under Section 420, 467, 468, 471 & 34 of IPC.
3. It is submitted that the application for anticipatory bail filed before the Sessions Court has been rejected, therefore, this application has been filed. The applicant is innocent and has been falsely implicated in this case. The applicant simply worked as broker

and received brokerage, who is not a party to the agreement, which has taken place between the complainant and the co-accused persons. Therefore, any of his conduct cannot be termed as offence, hence, it is prayed that this applicant may be released on anticipatory bail.

4. Learned State counsel opposes the bail application submitting that this applicant intentionally and knowingly introduced one co-accused as Prashant Sharma a fictitious person, with whom the complainant entered into an agreement for purchase of property and made payment of Rs. 3 lacs to him, therefore, involvement of this applicant is very much clear according to the facts present in this case. Therefore, this applicant is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant introduced complainant Rajesh Mundra with one Prashant Sharma, who was interested to make sale of his property. After negotiation, complainant and said Prashant Sharma entered into an agreement, in which, the complainant made payment of Rs. 3 lacs to Prashant Sharma. This applicant received Rs. 11,000/- from the complainant. When the agreement was not executed by said Prashant Sharma, the complainant made enquiry and found that said Prashant Sharma was a fictitious person and then he has lodged FIR.
7. Considered on the submissions and the facts of the case. This applicant is not one of party of the agreement and he has not

received bulk of the amount himself. The earlier application was not decided on merits, therefore, I am of this view that this is a fit case for grant of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge