

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1106 of 2020**

Arun Kumar Tamrakar S/o Late C.P. Tamrakar Aged About 56 Years R/o F/19a  
Maroda Sector Bhilai District Durg Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City  
Kotwali, Rajnandgaon, District Rajnandgaon Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Awadh Tripathi, Advocate.

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

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**05/10/2020**

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. 356/2020, registered at Police Station City Kotwali, Distt. Rajnandgaon (C.G.) for the offence punishable under Sections 406 & 409 of the IPC.
3. According to the case of prosecution, complainant Naresh lodged a report with the avement that he along with other persons have deposited their money with Shri Om Sai Balaji Company in the year 2012-2013 and the company has issued a bond for a period of two years, but after expiry of aforesaid period when the complainant went to the office of said company, it was found that the said company was closed. Thereafter, he along with other investors met with the director of said company namely Shridhar in Hyderabad at that time Shridhar told them that he is unable to refund their money but he offered his land ad-measuring 3.97 acres and told them that by selling the said land they can recover their invested amount. Thereafter, with the consent of the complainant and other investors

Shridhar has made power of attorney in favour of present applicant for above mentioned purpose. It has been further alleged that after 1-2 years, when said land was not sold, a dispute took place between the complainant and other investors and by misusing the said power of attorney, the applicant has sold the said land to Anup Tiwari and others in the year 2018 for total consideration amount of Rs. 33,77,000/-. Thereby, the applicant has committed the crime in question. 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. He further submits that prima facie no material is available on record on the basis of which any case can be made out against the applicant. Virtually, the applicant has also invested for about 51 lacs on Shri Om Sai Balaji Company and in the year 2010 and when Shridhar was unable to refund the invested amount of the applicant, he made power of attorney in favour of the applicant and authorized him to sale the said land. On the basis of said authorization, the applicant had sold the land. The Counsel further submits that some amount is yet to be received from Shridhar to the applicant. He further submits that no power of attorney has been made by Shridhar in favour of the applicant in the year 2012-13. The incident occurred between the year 2011-2018 and the FIR has been lodged in the year 2020. The Counsel lastly submits that the case is of civil nature. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for 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, documents annexed with the bail application as well as documents annexed with the case diary, 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 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)**  
**Judge**