

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1218 of 2020**

- Virendra Singh Markam S/o Shri Kalyan Singh Aged About 38 Years R/o Gram Saliha Bhatha, Post Gursiya, Tahsil Podi Uproda, Police Station Bango, District Korba

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Bango, District Korba Chhattisgarh

---- Respondent

For Applicant	Mr. Anshul Tiwari, Advocate
For Respondent/State	Mr. KK Singh, Government Advocate

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****20/10/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.1/2020 registered at Police Station Bango, District Korba (CG) for the offence punishable under Section 420 of the IPC.

3. The applicant and his sister Mamta Markam allegedly agreed to purchase the land bearing Khasra No.394/3 admeasuring 0.0160 hectare situated at village Gursiya District Podi-Uroda District Korba (CG) from the complainant for a sum of Rs.15 lakhs. On 15.12.2016, when the sale-deed was registered, the applicant paid only Rs.30,000/- and agreed to pay the remaining amount at a later date, however, despite repeated requests by the complainant, the balance amount was not paid.
4. It is argued by learned counsel for the applicant that a pure civil transaction is given the colour of a criminal offence. Only for the reason that the subject land having come on the road, the complainant is trying to extract more amount from the applicant to satisfy his greed.
5. Learned counsel for the State would oppose the prayer for grant of bail.
6. Admittedly, the sale-deed was executed on 15.12.2016. The sale-deed itself recites that the applicant has paid sale consideration of Rs.30,000/- by cheque No.092139 of IDBI Bank.
7. There is no recital in the sale-deed that the actual sale consideration is of Rs.15 lakhs. Even if such recital is not made in the sale-deed, there should exist a separate agreement mentioning the actual sale consideration but that is also not available. Moreover, the FIR is delayed by more than 3 years. The offence is triable by the Judicial Magistrate First Class.

8. Considering the nature of offence, it does not appear that the applicant's custodial interrogation would be required, therefore, looking to all the relevant aspects of the matter, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
- (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) 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 for disclosing such facts to the Court or to any Police Officer.
 - (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna