

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1008 of 2019

Dabirul Islam S/o Shri Z.I. Khan, aged about 50 years, R/o Ayyappa Nagar, Thana Supela Bhilai, Civil And Revenue District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station Supela, Civil And Revenue District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/05/2020

1. 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. 588/2019, registered at Police Station: Supela, District: Durg (C.G.) for the offence punishable under Section 420 of IPC.
2. As per the prosecution story, on 20.01.2019, complainant namely Smt. Chanchal Sahu lodged a report with the averment that she has purchased one property measuring 4,800 square feet situated at Durg (C.G.) amounting to Rs.4,80,000/- through registered sale deed dated 24.12.2010. Allegedly, after two years, at the time of demarcation, it was found that some other persons have made the possession over the said property and from inquiry it came to know that the said plot is not situated in the place which was handed over to her. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that Prima Facie no case can be made out against the Applicant because virtually on 06.05.2008, Applicant purchased the same land from one Parasram and others for the consideration amount of Rs.5.76 Lakhs and thereafter, the

same land he had sold to the complainant. Hence, he has not committed any crime of cheating with the complainant, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after perusal of the material evidence available on record, 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.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one 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 the 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