

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1596 of 2019

Chandan Kumar Sonkar S/o Shri Kanhaiya Lal Sonkar Aged About 38 Years R/o 129 Veer Sawarkar Nagar, Jarwae @ Hirapur Dist- Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S.- D.D. Nagar, Dist - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate.

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

For Objector : Mr. Anjinesh Shukla, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/03/2020

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. 298/2019, registered at Police Station D.D. Nagar, Distt. Raipur, Chhattisgarh for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, on 28.09.2016, complainant Dileshwar Chakradhari sold his land bearing *Khasra* no. 654/29 *Rakba* 1530 Sq.Ft. for the consideration amount of Rs. 16,74,000/- to the present applicant. On 28.08.2019, a written complaint has been filed by the complainant alleging therein that at the time of execution of sale deed, he has not received any consideration amount from the applicant and according to the entries made in sale deed, amount was given through cheques but those cheques were not received by the complainant. At the time of mutation proceedings also, he made an objection in this regard, in spite of that, the applicant has not given the consideration amount to the complainant. On this

background, offence has been registered against the applicant.

3. 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 the alleged sale deed executed on 28.09.2016 and mutation proceedings have been done on 03.01.2017. The applicant has lodged the complaint after 1 ½ years. The Counsel further submits that the entire case is of civil nature, civil remedies are available in the matter, there is no criminal case can be made out against the applicant. The Counsel finally submits that the applicant is the reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. 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 fact that there is a delay in lodging the FIR and the entire case is of civil nature. 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. 20,000/- 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