

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1658 of 2019

1. Arun Singh S/o Late Shri Buddhu Singh Thakur Aged About 57 Years
R/o Abhilasha Parisar, Near New Bus Stand, Tiffra, District Bilaspur
Chhattisgarh.
2. Smt. Arti Singh W/o Shri Arun Singh Aged About 48 Years R/o
Abhilasha Parisar, Near New Bus Stand, Tiffra, District Bilaspur
Chhattisgarh.
3. Smt. Akriti Singh W/o Shri Abhijeet Singh Aged About 25 Years R/o
Abhilasha Parisar, Near New Bus Stand, Tiffra, District Bilaspur
Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Sarkanda,
Tahsil And District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sourabh Sharma, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 106/2019, registered at Police Station Sarkanda, Distt. Bilaspur (C.G.) for the offence punishable under Section 420, 120-B & 506 of the IPC.
2. As per prosecution story, on 26.01.2019, complainant Vishwajeet Das Gupta made a complaint in concerned Police Station alleging therein that applicant Arun Singh executed fake registry of his house

situated in Rajkishore Nagar Phase-II, Bilaspur (C.G.) by the name of applicants Smt. Arti Singh and Smt. Akriti Singh. It is further alleged that applicant Arun Singh executed the agreement by saying that later on he will cancel the same. On the instruction of applicant Arun Singh consideration amount of Rs. 10,00,000/- has been given by the complainant to one KK Gupta. No amount of sale consideration has been kept/received by the complainant, thereby, the applicants have committed the crime in question.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that prima facie no case can be made out against the applicants. The said agreement was executed on 08.05.2015, on the basis of terms and conditions of the said agreement, applicant Arun Singh had taken NOC from Municipal Corporation, Bilaspur and thereafter he executed the said sale deed. The amount of consideration has been given to the complainant through cheque and the whole consideration amount was debited in bank account of the complainant, therefore, no amount has been received by the complainant, is not acceptable. The Counsel further submits that the sale deed was executed in the year 2015 and if the sale deed was fake, then the complainant has to file civil suit in this regard. No criminal liability is made out in the matter. The counsel finally submits that the applicants are the reputed person of their society, they are permanent resident of above mentioned address and there is no chance of their absconding, therefore, they 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 and perused the case diary.
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 the matter is of civil nature, if the complainant has any grievance with the applicants then she should file a civil suit in this regard. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge