

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1689 of 2019**

- Brijeshwar Singh Mohale (Wrongly Mentioned as Brijesh Mohale In The First Information Report) S/o Shri Man Singh Mohale Aged About 26 Years R/o Mohalepara, Village and Post Dashrangpur, District Mungeli, Chhattisgarh. 495330.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Bilaspur, Police Station Civil Lines, Bilaspur, Tehsil and District Bilaspur, Chhattisgarh.

---- Respondent**AND****MCRCA No. 1715 of 2019**

- Tankeshwar Mathur S/o Late Shri Lakhanlal Mathur Aged About 18 Years R/o Mig - 20, Narmada Nagar, Mangla Chowk, Police Station Civil Lines, Bilaspur, Tehsil and District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Bilaspur, Police Station Civil Lines, Bilaspur, Tehsil and District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Rajeev Kumar Dubey, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri Vaibhav Goverdhan, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/01/2020

1. As both cases arise out of same crime number, therefore, they are being decided by this common order.
2. The Applicants are apprehending their arrest through first bail application filed under Section 438 of Cr.P.C. in connection with Crime

No. 152/2019 registered at Police Station Hasaud, District Janjgir-Champa, (C.G.), for the offence punishable under Sections 420 r/w 120-B/34 of I.P.C.

3. As per the prosecution story, complainant Sushila Sinha, who is a dealer of Petrol Pump at Hasaud, C.G., lodged a report alleging therein that in the year 2014, she met with Brijeshwar Singh Mohale (Applicant in MCRCa No. 1689/2019) and thereafter, Brijeshwar introduced her with co-accused Chaman Mathur and her son Tankeshwar Mathur (Applicant in MCRCa No. 1715/2019). Later on, the present applicants introduced the complainant with one Abhijit Vaishnav (absconded accused) and with her mother Sucharita Vaishnav. It is alleged that co-accused Abhijit Vaishnav made a proposal before complainant that he wanted to give his petrol pump on lease for 20 years which is situated at Sargaon. Abhijit finalised the deal with the complainant for a sum of Rs. 25 Lakhs and Rs. 10,000/- as monthly rent for a period of 20 years. It is further alleged that lease agreement was to be execute after a payment of Rs. 10 Lakhs. In accordance with the aforesaid deal, on June, 2015, complainant paid Rs. 5 Lakhs to Abhijit and on July, 2015, complainant paid Rs. 5 Lakhs to mother of Abhijit i.e. Sucharita Vaishnav. Again, on August 2015, complainant gave Rs. 5 Lakhs to Abhijit. Thereafter, on 04.09.2015 and 14.09.2015 complainant transferred Rs. 2 Lakhs and Rs. 2.5 Lakhs respectively, in the bank account of Abhijit. Allegedly, after receiving money, no lease agreement was executed nor money of the complainant was returned by Abhijit as he was absconded. Thus, the accused persons have alleged to have committed cheating with the complainant. On the basis of the said background, offence has been registered.
4. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that the only allegation leveled against Applicants is that they have introduced the complainant with co-accused Abhijit Vaishnav. Also, the Applicants have not been paid any money nor they have made any allurement to the complainant. He

further submits that main accused Abhijit has been absconded and other co-accused persons namely Chaman Mathur and Sucharita Vaishnav have already been granted benefit of regular bail by this Court vide order dated 16.12.2019 passed in MCRC No. 6717/2019. Therefore, it is prayed that Applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that Applicants have only introduced the complainant with main accused Abhijit and co-accused persons namely Chaman Mathur and Sucharita Vaishnav have already been granted regular bail by this Court, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) They 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

Prakash