

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2020 of 2019

Rupesh Agrawal S/o Late Omprakash Agrawal Aged About 45 Years R/o Shankargarh, Police Station Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/03/2020

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. 52/2015, registered at Police Station Shankargarh, Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 467, 468, 471, 420 & 120B of the IPC.
2. As per prosecution story, on 20.02.2015, co-accused Sastu Lakra brother of Complainant Fool Chand Lakra sold the land in question through registered sale deed to one Anuja. It has been alleged that in the said sale deed, photograph of one Pullikar was fixed in place of complainant Fool Chand Lakra and co-accused Anil Lakra and Jaitul were identified Pullikar as Fool Chand Lakra. On the basis of report made by the complainant, FIR has been lodged against Sastu Lakra, Pullikar, Anil Lakra and Jaitul. After completion of investigation, a charge-sheet has also been filed. During trial, statement of the complainant and other witnesses were recorded thereafter on the basis of an application moved under Section 319 of Cr.P.C. by the prosecution, the applicant was added as an accused. The allegation against the applicant is that he is also involved in the crime in question.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. There is no material available on record on the basis of which any offence can be made out against the applicant. The applicant neither purchased the said land nor he was participated in the said sale deed. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State 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 the applicant neither purchased the said land nor he was participated in the said sale deed. 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 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