

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2054 of 2019

- Ghanshyam Verma S/o Durga Prasad Verma Aged About 52 Years R/o Chandkhuri Basti, Post Office And Police Station Mandir Housad, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mandir Housad, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri P. Acharya, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09/03/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 448/2019 registered at Police Station Mandir-Hasaud, District – Raipur, (C.G.) for the offence punishable under Section 420/34 of I.P.C.
2. As per the prosecution story, complainant had sold one land in consideration amount of Rs. 12 Lakhs and he had deposited the said consideration amount in the Punjab National Bank, Chandkhuri. It is alleged that present applicant allured the complainant that if he would deposit the said amount in the bank of Vinayak Homes and Real State Private Limited Company, he would get 2-3 times more return/benefit than the other bank. Thereafter, in the year 2013, complainant agreed to deposit some amount in the bank of Vinayak Homes and Real State Private Limited Company. It is also alleged that present applicant had

executed an affidavit in favour of the complainant wherein it has been stated that if he would not get any return from the bank, then he himself will return the said amount. After some time, bank of Vinayak Homes and Real State Private Limited Company wind up and complainant did not get the money back. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant is not the Director, Partner or Employee of Vinayak Homes and Real Estate Pvt. Ltd. Company. Virtually, he himself is the investor in the said company. It is further submitted that complainant has invested the money in the bank account of company and thereafter, company had issued bond in his favour and in this whole transaction, applicant has played no role. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 applicant is not the Director, Partner or Employee of Vinayak Homes and Real Estate Pvt. Ltd. Company, complainant himself had deposited the amount in the bank account of the said company and company had issued bond in his favour, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory 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 Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- i He 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 fact to the Court,
- ii He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii He 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