

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 28 of 2020**

- Manish Kumar S/o Uday Kumar Joshi, Aged About 23 Years R/o Village Sirsakala, Bhiali, District Durg Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Modhapara District Raipur Chhattisgarh

---- Respondent

For Applicant

Dr. Shailesh Ahuja, Advocate

For Respondent/State

Mr. Alok Bakshi, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****10/8/2020**

1. Heard.

2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the

applicant, who is apprehending his arrest in connection with Crime No.185/2019, registered at Police Station Modhapara, District Raipur (CG) for the offence punishable under Sections 420, 406, 34 of the IPC.

3. The allegation against the present applicant and three other co-accused is that having executed the agreement for sale of the subject land for Rs.11 lakhs, they received an advance amount of Rs.7 lakhs on 25.1.2019, but on avoiding to execute the sale-deed.
4. Admittedly, the co-accused persons have been allowed regular bail by a Coordinate Bench of this Court vide MCRC Nos.128/2020 and 134/2020 respectively.
5. Having considered all the relevant aspects of the matter and particularly for the reason that the incident has elements of civil transaction regarding sale of land, which may not involve any culpability, this Court is inclined to extend the benefit of Section 438 of Cr.PC to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;

- (ii) 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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