

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2181 of 2019**

Arvind Nayak S/o Benar Singh Nayak, aged about 29 years R/o R.V.H. Colony,
W.S. Colony, Thana Khamtarai, Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Khamtarai, Distt. Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. H.S. Ahluwalia, Dy. Advocate General
For Objector	:	Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

03/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 626/2019 registered at police station – Khamtarai, Distt. Raipur (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
3. In this case there are three accused persons. According to the case of the prosecution, the Applicant is friend of co-accused Jaiprakash. The Complainant had made an agreement for purchase of a land through Risabh Jain and at the time of agreement, Rs. 2,00,000/- was given by him. It is alleged that thereafter the applicant and co-accused Jaiprakash allured the Complainant to purchase the nearby land and had taken total Rs. 25 lacks from the Complainant. The applicant and

co-accused Jaiprakash have neither returned the money nor executed the sale-deed in favour of the Complainant and thereby committed the offence.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute. He further submits that there is no documentary evidence available on record on the basis of which it can be said the applicant had cheated the Complainant or taken any kind of money from him.
5. Learned counsel appearing on behalf of the State and Objector oppose the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering the fact that there is no legal evidence available on record, which shows that any amount was given to the applicant, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one 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, the accused/applicant shall make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul