

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 478 of 2021**

- Subhash Agrawal, S/o Gulab Chand Agrawal, aged about 51 years, R/o Kotra Road, Raigarh, Tehsil & District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : The Police Station - Chakradhar Nagar, Raigarh, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Manoj Paranjape, Advocate.
For Respondent.	:	Mr. B.L. Sahu, P.L.
For Objector	:	None

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.91/2021 registered at Police Station - Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for commission of the offence punishable under Sections 420 read with section 34 of Indian Penal Code.
2. The allegation against the present applicant is that he sold the Flat No.204 situated at Green View Colony, Khairpur, Raigarh to the complainant for consideration of Rs.8,00,000/-, which was already sold to one Ravi Choubey and thereby committed fraud. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is one of the director of company styled as 'Rajat Grains and Food Pvt. Ltd', a registered company under the Companies Act, 1956. He further submits that the flat in question was sold to one Ravi Choubey vide sale deed dated 12.10.2017, who had obtained loan from Chhattisgarh Gramin Bank and due to non payment of the loan amount a notice was issued by the Bank. For repayment of the loan amount, Ravi Choubey, the original owner, had executed a document (Annexure A-3) in favour of the applicant for sale of the flat in question. He also submits that the complainant had filed first complaint against the applicant at Police Station City Kotwali, Raigarh, as the cause of action arose at Raigarh and he has also admitted this fact the agreement was executed at Kotra, Raigarh. The very first complaint came to decide by the police holding that no offence is made out against the applicant and the parties were advised to approach before the appropriate forum. Learned counsel also submits that the complainant would have got some source and he filed second complaint against the applicant at Chakradharnagar on the same allegation suppressing all earlier facts. He next submits that dispute is pending before the District Consumer Forum, Raigarh. The wife of applicant, who is also another director of the Company, has been granted anticipatory bail by the trial Court. Therefore, the applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.

5. None appeared for objector.
6. The material available on record would reveal that the flat in question was first sold to one Ravi Choubey, who after default in repayment, executed a document (Annexure A-3) in favour of the applicant to sell the flat. First complaint against the applicant was also disposed of directing the parties to approach before appropriate forum. That apart, a dispute relating the alleged property is also pending before the District Consumer Forum, Raigarh.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant and his custodial interrogation does not seem to be necessary, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
8. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajani Dubey)
Judge

pkd