

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 727 of 2021

Devendra Singh Bal S/o Late Shri Jaswant Singh Bal, Aged About 36 Years, R/o- H.N.- MIG -01, Opposite Bharat Mata School, Tatibandh, Raipur, District- Raipur, (Chhattisgarh).

---- Applicant

Versus

The State of Chhattisgarh Through Police Station - Amanaka, District – Raipur, (Chhattisgarh).

--- Respondent

For Applicant	: Mr. D.K. Gwalre, Advocate.
For Respondent-State	: Mr. B.L. Sahu, PL.
For Objector/Complainant	: Mr. Amit Kumar, Advocate.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.75/2021 registered at Police Station –Amanaka, Distt -Raipur, (CG), for the offence punishable under Section 420/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant entered into agreement to purchase a Car owned by co-accused late Jaswant Singh Bal (father of applicant) for total consideration of Rs.8 lacs, out of which, Rs.1.5 lacs has been transferred as advance by complainant in bank account of late Jaswant Singh. After accepting advance amount, applicant and his father late Jaswant Singh have not completed the proceeding of sale, sold said Car to Sabir Khan on 20.08.2020. Applicant has handed over cheque towards refund of advance amount to complainant, which got dishonored. Based upon complaint, instant crime is registered against applicant and Jaswant Singh.

3. Learned counsel for the applicant submits that Jaswant Sing died on 27.04.2021. As per allegation in complaint, complainant entered into agreement for sale of Car owned by Jaswant Singh for total consideration of Rs.8 lacs out of which, Rs.1.5 lacs has been transferred in bank account of Jaswant Singh by complainant. Applicant is not owner of Car nor he entered into agreement or accepted any amount as advance from complainant. It is his father Late Jaswant Singh, who during in his lifetime has sold Car to Sabir Khan. Applicant has issued cheque for refund of advance amount as stated to be deposited in account of his father by complainant, but the cheque was dishonored on account of stop payment. He submits that no offence would be made out as alleged against applicant.
4. Learned counsel for the State as well as learned counsel for the Complainant/Objector opposes the submission made by learned counsel for the applicant and submits that complainant was cheated by applicant and his father Jaswant Singh. Late Jaswant Singh after accepting advance amount of Rs.1.5 lacs has entered into agreement for sale of Car in favour of complainant, but he has not sold the Car to complainant nor refunded advance amount. Complainant had entered into agreement in presence of present applicant, he was behind the whole transaction. Hence, he is not entitled for grant of anticipatory bail. However, on putting a specific query with regard to execution of sale agreement and deposit of advance amount, learned counsels jointly submits that agreement was executed between complainant and Jaswant Singh. It is further clarified that amount of Rs.1.5 lacs was directly deposited in account of Jaswant Singh.
5. Heard learned counsel for the parties.

6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that Car for which sale agreement was executed is registered in name of Jaswant Singh, it is Jaswant Singh who entered into agreement with complainant and during his lifetime sold the Car to Sabir Khan on 20.08.2020, advance amount of Rs.1.5 is deposited by complainant directly in account of Late Jaswant Singh, without commenting anything on merits of this case, I find it a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by the following conditions :
- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 from disclosing such facts to the Court or to any police officer;
 - (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that applicant shall appear before the trial Court on each and every date given to him by said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-