

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 754 of 2021**

1. Hussain Ali S/o Akbar Ali Aged About 42 Years R/o Opposite Azad Chouck, Khapra Bhatti, District Raipur, Chhattisgarh.
2. Kamta Prasad Yadu S/o Fagwa Ram Yadu Aged About 50 Years R/o Daganiya, District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer (S.H.O.) Police Station D.D. Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Devershi Thakur, Adv.
For Respondent/State	:	Mr. B. P. Banjare, Dy. G.A.

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

Proceeding through video conferencing.

Heard.

Admit.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No. 190/2019 registered at Police Station- D.D. Nagar, District- Raipur (C.G.) for commission of the offence punishable under Section 384 of IPC.
2. As per the prosecution case, the allegation against the present applicants is that the applicants along with other co-accused have threatened the complainant and forcefully executed the registered agreement to sale of the land bearing Khasra No. 114/174, patwari H. No. 104, total area 0.405 hectare situated at Raipura, District Raipur.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that the complainant was the owner of the above mentioned land and executed an agreement with present applicants of Rs. 60,00,000/- and obtained Rs. 2,00,000/- advance.

After that, whenever the applicant asked for registration of the above mentioned land, complainant started procrastinating and when he got to know that the said land has already sold to one Mohd. Kadir, he made objection against the complainant, therefore, complainant lodged a false FIR against the present applicants. He also submits that the mail allegation is against the Balram Kashyap who has been granted bail in MCRCA No. 1782/2020, therefore, the present applicants may also be granted anticipatory bail.

4. On the other hand, counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular nature of case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 50,000/- each, 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 applicants shall make themselves available for interrogation before the concerned investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants 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**