

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1482 of 2020**

- Sudeep Wadodkar, S/o late Dilip Wadodkar, aged 38 years, R/o R.P. Nagar, Korba, Tehsil and District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Chowki Rajgamar, Police Thana Balkonagar, District Korba (C.G.)

---- Respondent

For Applicant : Shri Sanjay Agrwal, Advocate.
For Respondent. : Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/03/2021**

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.46/2018 registered at Police Station Balkonagar, District Korba (C.G.) for commission of the offence punishable under Section 420 IPC.
2. Case of the prosecution is that, on 25.01.2018, complainant Rita Mehto lodged a report in police station Balko Nagar alleging therein that she had booked a plot No.24, area 2176 sq.ft. in the year 2011 through the present applicant, who is agent of M/s Sai Sangam Realities Company, and has paid Rs.25,000/- in advance to the said company and sum of Rs.4,40,625/- was decided to be paid in installments, but due to some unavoidable circumstances, she could not pay the remaining balance amount and request to refund the amount

so paid by her. It has been further alleged that the applicants did not execute the sale deed in the favour of complainant as assured by the applicant. Based on this, offence was registered against the present applicant under Section 420 IPC.

3. Learnec counsel for the applicant submits that the applicant is only an agent of firm where complainant had booked the said plot on 17.01.2011, and the report was lodged 25.01.2018 which shows that the present applicant has been falsely implicated in the crime. He further submits that the only allegation of the complainant is that the sale deed is not being executed but the fact remains that the sale deed of the plot has been executed in favour of the complainant. He also submits that since the sale deed has been executed in favour of the complainant, therefore, arrest of the applicant will not serve any fruitful purpose.
4. 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 that the sale deed has been executed, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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.1,00,000/- 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 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