

HIGH COURT OF CHHATTISGARH, BILASPURMCRCa No. 1623 of 2020

1. Vikram Rana, S/o R.C. Rana, Aged About 49 Years R/o Subhash Nagar, Gali No.5, Faguwada, District Kapoorthala, Punjab.

---- Applicant

Versus

1. State Of Chhattisgarh, Through - Police Station Civil Lines, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant

Mr. Manoj Paranjape, Advocate

For Respondent /State

Mr. Ayaz Naved, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board21/01/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.206/2018, registered at Police Station Civil Lines, Raipur, District Raipur, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
2. Applicant Vikram Rana and one Poonam Singh Rajput are the partners of Wardhman Infrastructure. They purchased the land admeasuring 0.378 hectares (40618 sq.ft.) bearing khasra No.171/3 situated at Dharampura, Raipur, from its previous owner by registered sale deed dated 5-6-2007. They sold this land to M/s Chhattisgarh Real Estate by registered sale deed dated 29-9-2012 for a sum of Rs.56,70,000/-. On 1-5-2015 Punjab National Bank

issued a notice to M/s Chhattisgarh Real Estate informing that the property is already mortgaged in the loan case of Good Luck Petroleum Company Limited. Thereafter, this applicant lodged an FIR against his partner Poonam Singh Rajput alleging that while creating mortgage in favour of Punjab National Bank in the loan case of Good Luck Petroleum Company Limited he has forged applicant's signature. Thereafter, a civil suit has been filed by the present applicant against Poonam Singh Rajput, Good Luck Petroleum Company Limited, Punjab National Bank & M/s Chhattisgarh Real Estate for declaring the mortgage deed in favour of Punjab National Bank as null & void. Now the present complaint has been filed by M/s Chhattisgarh Real Estate to the effect that the applicant in collusion with Prakash Kalash, Kanchan Kalash & Neelmani has defrauded them to the tune of Rs.56,70,000/- by executing a sale deed knowingly well that the property is already mortgaged to Punjab National Bank for the benefit of Good Luck Petroleum Company Limited.

3. Admittedly, co-accused Prakash Kalash has been allowed anticipatory bail by the Supreme Court by orders dated 5-12-2019/28-1-2020 passed in Special Leave to Appeal (Crl.) No.10866/2019 and he has deposited an amount of Rs.50.00 lacs before the Registry of the Supreme Court and the said amount was remitted to the Chief Judicial Magistrate, Raipur, to be kept in interest bearing account. Thus, the entire amount under the sale deed has been deposited by the co-accused as per the direction of the Supreme Court.
4. Considering the entire facts situation of the case including the order passed by the Supreme Court in the matter of Prakash Kalash (supra), this Court is inclined to release the applicant on anticipatory bail.

5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- he shall make himself available for interrogation by a police officer as and when required;
- he 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.
- he shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri