

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1687 of 2020**

- Ghanshyam S/o Late Raman Lal Nathani Aged About 66 Years
R/o Near Railway Crossing, Bajrang Ward, Bhatapara, District
Baloda Bazaar-Bhatapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Bhatapara City, District Baloda Bazaar-Bhatapara,
Chhattisgarh.

---- Respondent

For Applicant	Mr. Shobhit Mishra, Advocate
For Respondent /State	Mr. Ravish Verma, Government Advocate
For Objector	Mr. Akhilesh Mishra, Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****25/2/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.271/2020 registered at Police Station City Bhatapara, District Baloda Bazaar-Bhatapara (CG) for the offence punishable under Sections 420, 34 of the IPC.

3. The applicant allegedly sold a piece of land to complainant Dr. Manoj Kumar Sharma assuring him that there is no subsisting dispute attached to the land. The complainant later on came to know that First Appeal No.44/2007 relating to the subject land is pending before the High Court and thus, the applicant's title is not clear and he has been defrauded of the amount of sale consideration to the tune of Rs. 15 lakhs (approx.).
4. Learned counsel for the applicant submits that First Appeal No.44/2007 has since been withdrawn by appellant Janabai, there is no cloud in the applicant's title, which he has passed to complainant Dr. Manoj Kumar Sharma.
5. Considering the nature of dispute and the statement made by learned counsel for the applicant that FA No.44/2007 has been withdrawn and there is no subsisting dispute in respect of the subject land, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. 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 furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) 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 for disclosing such facts to the Court or to any Police Officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna