

HIGH COURT OF CHHATTISGARH, BILASPURMCRCa No. 38 of 2021

1. Samaru Lal Gayakwad S/o Late Sunder Gayakwad, Aged About 62 Years R/o Risali Basti, Bhilai, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Newai, District Durg Chhattisgarh.

---- Respondent

For Applicant	Mr. Awadh Tripathi, Advocate
For Respondent /State	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board03/03/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.211/2020, registered at Police Station Newai, District Durg (CG), for the offence punishable under Sections 420, 467, 468, 471, 463 & 464 of the Indian Penal Code.
2. Applicant owns land bearing khasra No.283/1 area 0.298 hectares at Risali, District Durg. He entered into an agreement with the complainant Ramlal Chaturvedani on 11-5-2013 for sale of land for Rs.75.00 lacs and received advance payment of Rs.26.00 lacs, however, he failed to execute the sale deed. The complainant later on became aware that the applicant has the previous agreement for sale of 0.22 hectares of land of the same holdings in favour of Mangal Singh & Vinod Dewangan and has also received advance amount of Rs.1.50 lacs & Rs.50,000/-, respectively from them. This fact was not disclosed to the complainant at the time of execution of agreement dated 11-5-2013.

3. It is argued that after filing of the FIR, the matter has been settled by paying Rs.60.00 lacs to the complainant as would reflect from the applicant's bank account, copy of which is part of the record of previous bail application, the record of which has been perused.
4. Considering the entire facts situation of the case, particularly considering that the dispute appears to be a civil nature and the applicant was allowed interim bail in his previous bail application, which was eventually dismissed, as it was not properly constituted; and the applicant has not misused the liberty granted to him, 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