

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1782 of 2020**

- Balram Kashyap S/o. late J. L. Kashyap, aged about 49 years, R/o. Puraanibasti, Rudra Chowk, Lakhenagar, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : SHO, Police Station - D.D. Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Singh Rathore and Mr. Rahul Agrawal, Adv.
For Respondent/State	: Mr. Sudeep Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.06.2021**

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. 190/2019 registered at Police Station- D.D. Nagar, Raipur (C.G.) for commission of the offence punishable under Section 384 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that the applicant along with 2 other persons has 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 applicant 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 applicant. He further added that the applicant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, therefore, the present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, 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.
6. 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. 50,000/- 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 or 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**