

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 5 of 2016

Manjit Singh, son of Late Surjit Singh, aged about 38 years, Resident of LIG-251, Virsavarkar Nagar, Raipur, Tahsil & District Raipur (C.G)
--- **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Civil Lines Raipur, District Raipur (C.G).
--- **Respondent**

For the applicant : Mr. C. R. Sahu, Advocate.

For the Respondent : Mr. Anant Bajpai, Panel Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.02.2016

1. Apprehending arrest in connection with Crime No. 482 of 2015 of registered at Police Station Civil Lines, Raipur, District Raipur Chhattisgarh for the offences punishable under Section 420 of IPC the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant entered into an agreement with the complainant on 02.12.2013 for sale of land for Rs.20,69,100/- and the sale deed was to be executed within 4 months, however, before the said stipulated time, the sale was executed in favour of third party instead of the complainant and on notice being served, the applicant denied to have received any amount.
3. Learned counsel for the applicant submits that the nature of dispute is of entirely civil nature and a civil suit is pending in respect of the same dispute and as per the affidavit complainant Balvinder Singh has already entered into compromise, therefore, the applicant may be extended the benefit of provisions of Section 438 Cr.P.C.

4. Perused the documents. After perusal of the documents, prima facie it appears that the nature of allegations levelled against the applicant is civil in nature as the agreement was entered for sale of land. The affidavit is also enclosed by Balvinder Singh which shows that the complainant has entered into compromise with applicant.
5. Thus taking into facts and circumstances of the case as also looking to nature of dispute and the degree of allegations and further the fact that an affidavit has been filed along-with bail petition that the complainant has entered into compromise, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE