

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 256 of 2016

Sandeep Kumar Tandon S/o Chowaram Tandon Aged About 35 Years
R/o Sector -3, Road-18, Quarter No. 6-B, Bhilai Nagar, Tahsil & District
Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bhilai Nagar, District Durg Chhattisgarh.

---- Respondent

For applicant -Dr. N.K. Shukla, Sr. Advocate with Shri Goutam Khetrapal,
Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 378/2015 registered in Police Station Bhilai Nagar, District Durg (C.G.) for offence punishable under section 409, 420, 506 of Indian Penal Code.
2. As per the prosecution case a report was made by one Bhuvneshwari Deshmukh that the applicant contacted for development of the house of 3 BHK duplex fully furnished along with AC and construction of 80 % house was completed. Subsequently, apart from the agreement builder demanded further sum and requested for extension of time for construction but ultimately failed to do. It was found that he had 800 sq.ft of land and rest of the land was government land wherein he has encroached, thereby complainant who is a lady of 60 years have been deceived. Ultimately the amount which was paid of Rs.8,75,000/- out of that amount of Rs.1 lakh was returned back but Rs. 7,75,000/- still remains.
3. Learned counsel for the applicant submits that entire case is of civil nature as since agreement was annulled by the complainant herself, therefore construction could not be carried out and a part of the amount received, Rs.1

lakh was given back. It is further contended that amount of Rs.1 lakh has been returned and as has been contended by the complainant that Rs.7,75,000/- is remaining and they are ready to deposit the same before the trial court and they do not object to the fact if the money is withdrawn by the complainant. Learned counsel submits that charge sheet has been filed and all the evidence are in documentary nature, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement. Considering the fact that charge sheet has been filed and all the evidence are in documentary nature. Further considering the statement made by learned counsel for the applicant that they are ready and willing to deposit Rs. 7,75,000/- before the trial court which in turn they would not object if money is paid to the complainant. Considering the facts and circumstances of the case, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

7. It is further observed in terms of undertaking the applicant shall be obliged to deposit Rs.7,75,000/- before the trial court within period of three months from today and the trial court in turn shall be obliged to return the same to the complainant. If the amount is not deposited as per undertaking given by applicant before this court, the bail bond shall stand cancelled.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

