

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 595 of 2016

- Sanat Gupta S/o Late Gulab Chand Gupta Aged About 60 Years R/o Gulab Market, Bus Stand, Gunderdehi, District Balod, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through the District Magistrate, Durg, Chhattisgarh --- **Respondent**

For the applicant	:	Mrs. Madhulika Jha, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate.
For the objector	:	Mr. Rajnish Singh Baghel, Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.08.2016

1. Apprehending arrest in connection with Crime No. 585/2011 registered at Police Station Supela, Distt. Durg (C.G) for the offences punishable under sections 420/34 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 report was made by Dhanraj Murthy, the complainant that he entered into an agreement with Sunita Yadav and others on 11.07.2007 for purchase of land and Rs.5 lakhs as earnest money was paid. It is alleged that at the behest of applicant Sanat Gupta, he initially entered into an agreement for purchase, however, the sale could not be executed for financial difficulties as Sanat Gupta requested the complainant to purchase the land. Thereafter, the sale was not executed in favour of the complainant Dhanraj

Murthy and a power of attorney was executed in favour of one P. Shastri on 31.07.2008. It was also alleged that the seller/owner of the property is not willing to execute the sale deed, therefore, the report has been lodged.

3. Learned counsel for the applicant would submit that it is a clear case of civil nature and no criminality has been committed and since the complainant could not pay the amount, as such, the sale deed could not be executed and instead of filing the suit for specific performance, the report has been made, therefore, looking to the nature of dispute he may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also learned counsel for the objector vehemently oppose the prayer for grant of bail.
5. Perused the report made by the complainant. The dispute dispute arose out of an agreement executed in the year 2007.
6. Considering the fact that the dispute arose out of an agreement dated 11.07.2007 which was an agreement of sale and subsequently the sale deed has not been executed, prima facie, it appears that the dispute is of civil nature and complainant has remedy of civil suit. Thus taking into totality of the facts and circumstances of the case, I am inclined to allow this bail application.
7. 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