

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 869 of 2016

- Dinesh Kumar Rao, S/o Late Chandrika Rao, Aged About 44 Years Occupation Contractor, R/o Om Residency, Ring Road No. 02, P.S. Civil Line, Tehsil - Bilaspur, Civil & Rev. Distt. Bilaspur Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through the S.H.O. Police Station Civil Line, Bilaspur, Civil And Rev. Distt. Bilaspur Chhattisgarh. **--- Respondent**

For the applicant : Mr. Atanu Ghosh, Advocate.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.09.2016

1. Apprehending arrest in connection with Crime No. 441/2016 registered at Police Station Civil Line, Bilaspur (C.G) for the offences punishable u/ss 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a complaint was made by one Sayyad Samir that he agreed to purchase a flat No. A-201 admeasuring 950 sqft bearing Khasra No.508/5 and 506/5 for a consideration of Rs.20 lakhs and initially an amount of Rs.17 lakhs was paid. Subsequently the sale deed could not executed, as such, as per the agreement 3 cheques were given and one cheque of Rs.5 lakh was encashed whereas the other two cheques could not be encashed as the amount was not deposited in the Bank Account and further the applicant again entered into agreement to sell the flat thereby the fraud has been committed.
3. Learned counsel for the applicant would submit that the nature of

dispute is of a civil nature and it is a transaction of an immovable property and instead of filing any suit for specific performance or for recovery of the amount, the complainant has preferred to lodge the report.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary, the documents and statements as also the enquiry report of the police wherein it shows that the Police intervened as a mediator for transaction. Considering the nature of dispute and taking into totality of the such facts and circumstances, I am inclined to admit the applicant to 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**