

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 913 of 2017**

Yogendra Singh S/o late Jagdamba Singh, aged about 54 years, R/o Asharam Bapu Nagar, Jamul, Bhilai, Tehsil and District Durg (CG).

-----Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station Sector-6, Bhilai, Distt. Durg (CG).

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate.
For Respondent	:	Shri D.R. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/11/2017**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.463 of 2017 registered at Police Station, Sector-6, Bhilai, Distt. Durg, for the offence punishable under Sections 420 and 406/34 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant and other co-accused persons is said to have cheated the complainant Suresh Kejriwal in respect of the property which was mutually agreed to be developed and sold and to make profit and the profits were to be shared proportionately.
3. According to the counsel for the applicant, the allegation against the applicant is that he along with co-accused is said to have sold the property and have not shared the profit with the complainant. It is a clear civil dispute arising out of agreement which has been entered into between the parties in respect of the business deal. Further, subsequent to the filing of complaint, the matter has been resolved between the parties and compromise deed is also executed, and therefore the applicant may be granted anticipatory bail.

4. Counsel for the State opposes the bail application on the ground that in the instant case the complainant has invested huge amount in the business and it was the accused persons who were only monitoring the business and subsequently when the property was developed, the applicant along with other co-accused have sold it without sharing the profit received from the said property.
5. Having heard learned counsel for the parties and perusal of case diary and considering the nature of allegation/dispute between the parties which prima facie appears to be civil in nature, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/applicant 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 to any police officer;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge