

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1064 of 2017**

Sandeep Gedam, S/o Shri Govind Lal Gedam, 41 years, R/o village Gajmarra, Tah. Dongargarh, Distt. Rajnandgaon (CG).

-----Applicant

Versus

State of Chhattisgarh Through PS Dongargarh, District Rajnandgaon (CG).

---- Respondent

For Applicant	:	Shri Keshav Dewangan, Advocate.
For Respondent	:	Shri D.R. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

14/12/2017

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.404 of 2017 registered at Police Station Dongargarh, Distt. Rajnandgaon, for the offence punishable under Sections 420 and 406 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant is said to have received an amount of Rs.45,000/- from one Ram Prasad Goriya on the assurance of constructing him a house under Pradhan Mantri Awas Yojna and after receiving the said amount, the applicant is said to have not fulfilled the commitment and has not started construction of house for Ram Prasad.
3. According to the counsel for the applicant, it is a case where not only from the complainant Ram Prasad, there are 10-12 other persons from whom he had received some amount under the same scheme for construction of their houses. After the construction work started and

reached at plinth level, the complainant wanted to shift the place of construction of house and therefore the applicant had to stop the construction work. He assures that if the complainant wants, the applicant shall immediately start the construction work and get it completed at the earliest. Further, the nature of dispute is pure civil in nature and necessary ingredients for making out an offence under Sections 420 and 406 IPC are missing, and therefore the applicant may be granted anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that the present applicant is the Husband of Sarpanch of village and he defrauded the complainant on the assurance of construction of house and later refused, and thus prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and on perusal of case diary, considering the fact that the applicant is ready to complete the entire construction work at the earliest and that the construction work has already reached at plinth level as per applicant himself, 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

inder