

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 311 of 2017**

Tandan Lal Kawre W/o Shankar Lal Kawre, aged about 63 years, R/o Ganjpara, Balod, Ward No.11, PS Balod, Tehsil and District Balod (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station, Balod, District Balod (CG).

---- Respondent

For Applicant	:	Shri Praveen Das, Advocate.
For Respondent	:	Shri Neeraj Mehta, Panel Lawyer for the State.
For Objector	:	Shri Ashish Gupta, Advocate.

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

09/05/2017

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.108 of 2017 registered at Police Station Balod for the offence punishable under Section 420 IPC.
2. The allegation against the applicant is that he is said to have entered into an agreement to sale 4 decimal of land to one Kanti Lal, the Objector. Subsequently, after about two years of time, the objector came to know that the said land infact was not belonging to the present applicant, but stood in the names of Ramesh Gandhi, Suresh Gandhi and Mahesh Gandhi. It was thereafter the complaint was lodged on the basis of which an FIR was registered against the applicant.
3. Learned counsel for the applicant submits that it is a case where the nature of dispute between the parties is purely civil in nature and that subsequently the matter has already been compromised between the applicant and the complainant to the extent that whatever consideration which was received by the applicant against the said land has been refunded back to the complainant and Annexure A/6

with the bail application is the document to show that the complainant has received the entire amount also. The said document also envisages the clause that the complainant does not intend to further precipitate the matter any further. On specific query being put to counsel for the Objector, he admits the execution of document (Annexure A/6) by the complainant and having received the money referred to in said application.

4. State counsel does not dispute the above submissions made by the counsel for the applicant.
5. Considering the total facts and circumstances of the case, this court is of the view that present 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