

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 721 of 2017**

Shishir Ghosh S/o Late R. S. Ghosh, Aged About 55 Years
Occupation- B.S.P. Employee, R/o Qr. No. 1/ B, Street-77, Sector- 6,
Bhilai Nagar, Police Station Bhilai Nagar, Tehsil, Civil & Revenue
District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate- Durg, District
Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jaideep Singh Yadav, Advocate.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.11.2017**

Heard.

1. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 222 of 2017, registered at Police Station – Durg, District – Durg, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

2. It is submitted by counsel for the applicant that the case against the applicant is of civil nature regarding the transaction of sale of landed property for which consideration was not paid. The complainant has other remedy available to be pursued in the Civil Court. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that complainant – Anil Kumar Vishwakarma was owner of a landed property which was transferred by registered deed in favour of the applicant in the year 2004 for which the applicant paid the consideration through a cheque. The cheque when presented for demand in the Bank was dishonoured. Subsequent to that, one memorandum of understanding was written by the applicant in favour of the complainant stating that if the applicant fails to pay Rs.1,15,000/- by the end of 28th August, 2004 the registered sale deed in his favour shall stand cancelled. Later on, the complainant came to know that the said land has already been sold by the applicant to somebody else because of which the FIR has been lodged against the applicant.

6. Considering the submissions made and the contents of the case diary, the submission that the case is of civil nature does not seem to be acceptable at present and it shall be required to be proved in the trial by the applicant, no case is made out for grant of anticipatory bail because of which, this application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge