

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 785 of 2017**

Gurupreet Singh S/o Late Ram Singh, Aged About 36 Years R/o Behind M.M.I. Hospital, Gurukripa Yard/ Campus, Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Azad Chowk, Raipur, District Raipur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Anup Majumdar, Advocate.
For the Complainant	:	Shri Shashi Bhushan, Advocate.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. 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. 144 of 2017, registered at Police Station – Azad Chowk, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code, Sections 7 & 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005 and Sections 4 & 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
3. It is submitted by counsel for the applicant that, the applicant and the

complainant Babulal Sahu have entered into a compromise and according to the terms of compromise, the applicant is required to pay the amount or provide the land to the complainant of this case. If the applicant is arrested and detained in jail, he would not be able to perform his part in the said agreement. Hence, instead of praying for regular bail, counsel for the applicant submits that the applicant be granted temporary bail to do the needful for the purpose of the said agreement with the complainant in this case.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the sole Director of Guru Kripa Infra Reality India Limited and various investors have been cheated by this company. It is for this reason, the applicant is not entitled for grant of bail either temporary or regular bail.

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

6. The applicant is Director of Guru Kripa Infra Reality India limited which is a Tours and Travels Company and also works on Real Estate. Complainant – Babulal Sahu deposited Rs.29,500/- for Tours and Travels package and Rs.1,00,000/- for real estate project. As promised the amount was not returned to the complainant, because of which, the FIR was lodged against the applicant, and the case has been registered.

7. The copy of the agreement dated 5.10.2017, the affidavit given by complainant Babulal Sahu and other witnesses are on record. On perusal of

the same it appears that an agreement has been entered between the applicant and the complainant in this case and unless the applicant is given liberty to perform the same, the agreement shall become redundant. Hence, only for this purpose the applicant should have an opportunity to perform his obligation under the agreement. The prayer for interim anticipatory bail deserves to be allowed. The application is allowed treating the same as an application for interim bail.

8. Accordingly, the anticipatory bail application is allowed with modification 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 executing a personal bond in sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Investigating Officer, for a period of two months and he shall be required surrender before the concerned Court on or before the expiry of two months from the date he is released on anticipatory bail. He shall cooperate with the investigation. He shall appear before the concerned police station after each and every 15 days. The police shall have the liberty to arrest the applicant after the expiry of two months from the date of his arrest and release on bail. However, this Court has not observed anything on merits of the case.

Sd/-

(Rajendra Chandra Singh Samant)
Judge