

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C.(A) No.894 of 2017

Shashikant Pandit S/o Shri Sukhdev Pandit, aged about 53 years, R/o Sector-2A, House No.228, Saket Nagar, P.S.Bagh Shivjia, Bhopal, District (Revenue & Civil) Bhopal (M.P.).

---Applicant

**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Civil Lines, District Raipur (C.G.).

---Respondent

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|----------------------|---|------------------------------------------------------------------------------|
| For applicant        | : | Shri Pramod Verma, Senior Advocate<br>along with Shri Sumit Verma, Advocate. |
| For respondent/State | : | Shri Gary Mukhopadhyay, Dy.G.A.                                              |

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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.323 of 2016 registered at Police Station Civil Lines, District Raipur (C.G.) for the offence punishable under Section 420, 120-B of IPC.
2. The allegation against the applicant as per prosecution is that, the present applicant in conveyance with the co-accused is said to have cheated the complainant for entering into the business deal and Memorandum of Understanding (MOU) was entered on 05/06/2012 in this regard.
3. As an agreement between the parties, the complainant side had offered an amount of Rs.1.35 crores to the present applicant firm of which Rs.1 Crore was given to the present applicant by cheque and Rs.35 Lakhs was

given to the son of the present applicant namely Aditya Pandit for the business which was operated between the parties. That the either of the side had the right to withdraw from the MOU giving sufficient notice and the complainant in this case Rahul Agrawal having withdrawn from the agreement he had asked for the return of the money invested of Rs.1.35 crores and in the process the cheques which were issued as a security against an amount of Rs.1.35 crores was to be for realization and the same got dishonored.

4. The counsel for the applicant submits that, it is a pure civil dispute between the two and that it is not a case where the present applicant cheated the complainant. It is a case where the complainant has voluntarily withdrawn from the agreement and that at best he would be entitled for the money that he has invested. He further submits that, so far as dishonoring of the cheques is concerned, the complainant has already initiated proceedings against the present applicant under the provision of Negotiable Instrument Act and the criminal case in this regard has also undergoing.

5. It was brought to the notice of this Court that, the son of the present applicant-Aditya Pandit has already been granted bail by this Court in MCRC No.3502/2017 vide order dated 21/06/2017 and thus prayed for the present applicant also be provided Anticipatory Bail.

6. The State counsel however opposing the bail application submits that, the intention of the present applicant were clear from their conduct that, two teams which has visited Nagaland in respect of business i.e. team of

geologous as well as complainant side when they had gone to Nagaland, they were not shown the actual place where it was agreed for the establishment of the business and therefore it clearly reflects the intention of cheating and fraud by the present applicant and prayed for rejection of the bail application.

7. Considering the total facts and circumstances of the case, particularly, taking note of the fact that, the son of the present applicant has already been enlarged on bail by this Court in MCRC No.3502/2017 and the fact that the dispute between the parties primarily revolves around dishonoring of the cheques for which proceedings under Section 138 has already been lodged, 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.
8. Certified copy, as per rules.

Sumit

Sd/-  
(P. Sam Koshy)  
JUDGE