

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 266 of 2018**

Manoranjan Kumar Singh, S/o. Binod Kumar Singh, Aged About 42 Years,
R/o. Flat No. 309, Block B, 3rd Floor, Sanjay Heights, Seepat Road
Sarkanda, Bilaspur District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Civil Lines, Bilaspur
District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/04/2018**

1. Apprehending arrest in connection with Crime No.16/2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur for offence punishable under Section 420 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The incident is of the year 2014, when the complainant Pradeep Jaiswal and others deposited the amount with this applicant, who in capacity of promoter and marketing person of A.B. Castle had received some amount and issued receipts to the depositors. The plots that were not transferred to the complainant and others, was not due to the

fault of this applicant because the proprietor of A.B. Castle had enhanced the price of the plot, which became the hurdle in such transfer. All the amount that was received by the applicant was deposited with manager of A.B. Castle namely L.P. Gupta. Hence, no case is made out against this applicant. The applicant is running a concern named as “Inspire Real Build and Techserve Pvt. Ltd.”, which is a company registered under the Companies Act. No offence of cheating is made out. Therefore, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that according to the complaint made by Pradeep Jaiswal, this applicant as promoter of A.B. Castle had received advance amount from the complainant and others to the tune approximately Rs.10.00 Lakhs. As the plots were not transferred by the registered sale deed within time stipulated and neither any refund was made, an enquiry made by the complainant from the office at A.B Castle, it was found that the applicant had deposited Rs.5.00 Lakhs only and thus misappropriated the remaining amount deposited by the depositors. Hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicant is briefly stated herein above.
6. Considered the submissions made and the contents of the case diary. It is not disputed that applicant is engaged in business of promoting and marketing and it is also not denied that he had been

engaged in marketing of plots of A.B. Castle, for which he has received deposits from the complainant and others and receipts of the deposit made have also been duly issued and on the basis of such receipt, depositors can claim the same by civil litigation as well. After considering the material present in the case diary and the nature of transaction, which has not materialized because of various reasons, that may be explained by the applicant and all other parties. Hence for this reason, this Court is of the opinion that it is a fit case, where the applicant should be extended the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the 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;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram