

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.533 of 2018**

Satish Kumar Gupta, aged about 57 years, Profession - Cloth Shop (Merchant), R/o Kalibadi Chowk, Housing Board, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the District Magistrate, Durg – 491 001, Tahsil and District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri V.G. Tamaskar, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****2.7.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.357 of 2018 registered at Police Station Supela, Bhilai, District Durg for offence alleged under Sections 420 and 416 of the Indian Penal Code.
2. Facts of the case, in brief, are that nephew of the Applicant, namely, Sudhir Gupta made a complaint to the Inspector General of Police, Bhilai, District Durg on 30.10.2017 alleging that the Applicant has fraudulently sold out an ancestral land, which is a joint property, to one Vijay Tiwari without obtaining consent of the other title-holders. On the basis of the said complaint dated 30.10.2017, a First Information Report has been registered against the Applicant in Police Station Supela, Bhilai, District Durg on 9.4.2018.
3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case due to a previous

enmity. The dispute is purely of a civil nature. Initiation of a criminal proceeding is abuse of process of criminal law. He further submits that a dispute relating to the land in question is already pending between the Applicant and the Complainant before the Revenue Court. Allegedly, the land was sold in the year 1993 and the complaint has been lodged on 30.10.2017.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Considering the facts and circumstances of the case, particularly, the facts that the alleged sale-deed was executed in the year 1993, the complaint was lodged on 30.10.2017 and the FIR was registered on 9.4.2018, I am inclined to grant anticipatory bail to the Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions:
 - (i) He 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 from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE