

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 952 of 2018**

Kuldip Singh S/o Balwant Singh Aged About 55 Years R/o Behind T. C. Cooler, Polsai Para, Durg P. S. Mohan Nagar, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri H.S. Ahluwalia, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2018**

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. 549 of 2018, registered at Police Station – City Kotwali, District – Durg, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the facts present in this case, it is clearly made out that the case is of civil nature on account of nonperformance on the part of the applicant. Hence, it is prayed that the

applicant be benefited with grant of anticipatory bail.

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

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

6. The case against the applicant is that the applicant entered into an agreement for sale of his property on 30.8.2016 against which, the applicant received an amount of Rs.25,00,000/- in advance from the complainant. Subsequent to this agreement, the applicant has not shown any interest in execution of sale deed and transfer of property in favour of the complainant. Hence, this case.

7. Considering the material present in the case-diary, it appears that the dispute between the applicant and the complainant has a glimpse of civil nature in this case. Therefore, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge