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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1370 of 2018

- Satyendra Pradhan S/o Sitaram Pradhan, Aged About 38 Years, Director And R/o Arpita Hospital, Saraipali Tahsil Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan and Shri Praveen K. Dhurandhar, Advocates.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.
Shri Yogendra Pandey, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. Apprehending arrest in connection with Crime No.351/2018, registered at Police Station – Saraipali, District Mahasamund, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case by complainant Shivilal Sharma. The applicant has established a hospital which is named and styled as Arpita Hospital in Saraipali. To facilitate the funding of establishment of this hospital the applicant had invited the complainant as partner, regarding which a partnership deed was executed on 06-07-2016 and the complainant has made investment of Rs.91,67,000/-. Because of some misunderstanding between the applicant and the complainant, the applicant has made clear his intention by complaint dated 23-06-2018 to the police that he does not want to continue with the partnership and wants to return the invested amount to the complainant, because of which a false complaint was filed on 22-09-2018 with

the police by the complainant making false allegation against the applicant. In fact, it is a civil dispute between the applicant and the complainant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that apart from the dispute regarding the partnership, there are other serious allegations made by the complainant against the applicant about concealing and suppressing the facts and despite the partnership between them, the applicant projected himself as sole proprietor of the concerned hospital. Hence, it is a clear case of cheating. Therefore, the application may be rejected.

4. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that there is ample evidence present against the applicant to show that he has cheated the complainant by inducing and misguiding her, hence, no case is made out for grant of anticipatory bail.

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

6. According to the complaint made by the complainant, a partnership deed was entered into between her and the applicant on 06-07-2016, consequent to which, the complainant has made investment of Rs.91,67,000/- in the establishment of that hospital. It is alleged that without her consent and authority the applicant has drawn a loan of Rs.59,76,000/- from the bank and the applicant has projected himself as sole proprietor of the hospital. Hence, it is alleged that offence of cheating has been committed by the applicant.

7. Considered on the entire material present in the case diary and looking to the nature of dispute that is between the applicant and the complainant and observing that the complainant has civil remedy as well available in this case, I feel inclined to allow this application.

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

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge