

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8407 of 2018

Manishankar Soni S/o Lakhanlal Soni, Aged about 39 years, R/o Jabrapara,
Pathak Bagicha P.S. Sarkanda, Tahsil and Distt. Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, P.S. Civil Line, Distt.
Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Shailendra Dubey, Advocate
For Respondent	:	Mr. Shangarsh Pandey, Dy. Govt. Advocate
For Objector	:	Mr. C.P. Soni, Advocate
For Objector	:	Mr. K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/11/2018

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 777/2018 registered at Police Station- Civil Line, Distt. Bilaspur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. As per prosecution story, on 11/09/2018 a report was made by Complainant Dilip Kumar Khatri alleging therein that the present Applicant, Director of M/s M.S. Soni, Architect and Builder, who had proposed to make residential flat namely Golden Heights Babylon. It is alleged that for providing flat No. 120 to the Complainant, he obtained Rs. 12,50,000/- from him through cheque and an agreement was executed between both of them. He also obtained amount from other persons and booked flats on their names. Thereafter, he did not

complete the construction work nor he returned the amount which he obtained from the Complainant and other persons. On the basis of said report, offence has been registered. The Applicant has been arrested on 12/09/2018.

3. Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that there is nothing on record on the basis of which any offence under Section 420 IPC can be made against the Applicant. The matter is purely of civil nature. He further submits that Complainant Dilip Khatri already obtained an order from the District Consumer Forum, Bilaspur against the Applicant with regard to the amount of Rs. 12,50,000/-, but this fact is suppressed by him while recording of the FIR. He further submits that the Applicant is in custody since 12/09/2018, offence is triable by the Judicial Magistrate First Class and trial will take much more time. Therefore, the Applicant may be granted benefit of bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. Learned counsel for the Objector submit that the Applicant has taken money from many people for construction work and did not return the same to them. The money involved is public money which has been misused, therefore, the Applicant may not be released on bail.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that Complainant Dilip Khatri has already obtained an order from the District Consumer Forum with regard to the amount of Rs. 12,50,000/- much prior to lodging the FIR and this fact is not disclosed by him while recording the FIR, without further commenting

on merit of the case, I am inclined to release the Applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul