

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 139 of 2020

- Narendra Rao Girepunje S/o Late Shree Luxman Rao Girepunje Aged About 47 Years R/o Om Society Sunder Nagar, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. A.K. Swarnakar, Advocate.
For Respondent/State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.8/2020 registered at police station – Civil Lines Raipur, District Raipur (C.G.) for alleged commission of offence under Section 420 of Indian Penal Code.

2. The prosecution case is that the applicant entered into an agreement to sell his property to complainant and received huge amount of part payment of consideration to the tune of Rs.34 Lakhs but later on, he avoided to execute sale deed in favour of complainant and sold the property to third party.

3. Learned counsel for the applicant submits that even if the entire facts stated in the allegation are accepted as it is, there is no element of cheating involved. Present is simply a civil dispute. The applicant has also returned the advance money to the complainant.

4. On the other hand, learned counsel for the State opposes prayer and submits that applicant has taken huge money from the complainant but the property was sold to third party, which prima facie, reveals an intention to

cheat.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the report has been lodged only when sale could not materialise and that allegation of sale of property to third party is not before entering into agreement and receiving part consideration from the complainant and also that there is no allegation that the property did not belong to the applicant and also taking into consideration the submission of learned counsel for the applicant that the advance amount has been returned to complainant, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local sureties for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-
(Manindra Mohan Shrivastava)
Judge

Ravi