

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8366 of 2021

- Rupesh Kumar Gupta S/o Late Gopal Das Gupta, Aged About 48 Years R/o Lili 214, Talpuri Ruabandha P.S. Bhilai Nagar Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Bhilai Nagar, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For applicants	:	Mr. Abhishek Sinha, Senior Advocate with Mr. D. L. Dewangan, Mr. Aditya Pandey, Ms. Shriya Jaiswal, Advocates
For resp./State	:	Ms. Akansha Jain, Dy. GA
For Objector	:	Mr. Jaydeep Singh Yadav, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/12/2021

1. The present applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 368/2021 registered at Police Station Bhilai Nagar, District Durg (C.G.) for the offence punishable under Section 420 of IPC.
2. The present applicant is in jail since 18.08.2021, though counsel for the petitioner submits that petitioner has subsequently been extended the benefit of parole and presently is out on parole and parole period has been extended from time to time.
3. As per the prosecution case, it is a case where the complainant was allured by the applicant herein for investing in his business which the applicant was running with promise of huge return. However, subsequently there promise has not been honoured and complainant has been subjected to a great loss. Further allegation is that the applicant also is said to have been taken money from the complainant for purchase of a particular property which is thereafter further sold out at a higher price. However, difference of amount which has been

earned by the applicant along with the investment made by the complainant from the said property the return has not been proportionately given to the complainant's father and this has led to the filing of the writ petition.

4. Learned counsel for the State counsel as also the counsel for the objector submits that there is an FIR which has been registered against the applicant. He is a regular offender and is in habit of committing such crime and thereafter somehow he would be compounding with the matter. The counsel for the objector also opposes the bail application on the ground that applicant has been in the habit of playing fraud not only just with the complainant but also with many other people in the locality. Learned counsel for the respondent further submits that charge sheet has also not been filed and investigation is still going on. Therefore, the bail should not be granted at this juncture.

5. Having heard the contentions put forth on either side and perusal of record, particularly taking note of the fact that the nature of dispute as alleged in the case diary it appears that the applicant and the complainant and complainant's father were involved in some sort business transactions. That there were certain investments that have been made by the complainant's side also in the business. That it is a case where there appears to be some breach of agreement or some financial disputes which have arisen between the applicant and the complainant and complainant's father which has led to the filing of the FIR followed by the arrest.

6. Considering the entire facts and circumstances of the case and the dispute involved, this Court is of the opinion that prima facie it appears to be a civil dispute or a commercial dispute between the complainant & complainant's father with the applicant. Accordingly, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant/s shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the

concerned Trial Court. The applicant/s shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit