

M.Cr.C. No.10487/2014

29.12.2014

Shri Bhaskar Agrawal, learned counsel for the applicant.

Shri RS Bais, learned Dy. GA for the respondent/State.

Case diary is available.

This is first bail application filed by the applicant under section 439 of the Code of Criminal Procedure for grant of bail.

The accused/applicant was arrested by the Police Station – Vijay Nagar District - Indore in Crime No.1056/2014 under sections 420, 467, 468 and 470 of IPC.

According to the prosecution, about 20 complainants lodged a complaint that the present applicant on the basis of promise that he would be provided for residential plots in developed colony. The complainants paid him the amount against the value of the plots. However, the present applicant refused to register the property in the name of the allottees and, therefore, the present complaint was lodged against the accused person.

The defence of the present applicant was that he entered into an agreement with another company namely – TDS Company. Some dispute arose between the two

companies and, therefore, they could not register the land in the names of the present applicant.

Learned Dy. GA opposes the bail application on the ground that large number of members of public were cheated by the present applicant.

Learned counsel for the applicant agrees that the present applicant would deposit 50% of the amount and on being released on bail, he will deposit the remaining 50% of the amount alongwith the interest @ 9% from the date of deposit the amount in the Court if, he is granted bail.

Arguments heard, case diary perused.

After going through the case diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed on the condition that the present applicant shall deposit 50% of the amount in the Court and remaining 50% amount within three months alongwith interest @ 9% from the date of deposition of the amount. It is further clarified that the deposition the amount shall not extinguish the civil rights and liabilities of both the parties.

It is further directed that after fulfilling the aforementioned condition, the applicant – Pradeep Son of

Chhaganlal Rathore shall be released on bail on his furnishing a personal bond of **Rs.75,000/- (Rs. Seventy Five Thousand)** and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

In case, default in deposition of remaining money is made within next three months, then the bail of the applicant shall stand automatically cancelled without further reference to this Court.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma)
Vacation Judge

Kratikal