

M.Cr.C. No.10557/2014

29.12.2014

Shri MA Mansoori, 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 438 of the Code of Criminal Procedure, before this Court for grant of anticipatory bail.

The present applicant apprehends his arrest by the Police Station – Bhanwarkuan District – Indore in connection with Crime No.678/2014 for the offence punishable under section 418 and 420 of IPC.

According to the prosecution case, the present applicant alongwith complainant Vivek Rawat entered into an agreement for purchase of certain land from one Madanlal Son of Bherulal Rathore. According to the prosecution, the present applicant and the seller Madanlal received the amount of Rs.98 Lacs under the agreement recorded and thereby committed fraud on the

complainant.

Learned Dy. GA opposes the bail application.

Learned counsel for the applicant argues that it is a pure case of civil dispute and it was converted into a criminal case. The amount was received by said Madanlal. The present applicant did not receive any amount under the agreement.

Arguments heard, perused the case diary.

After taking all the facts and circumstances of the case into consideration, I find that it is fit case where the benefit of provision under section 438 of Cr.P.C. may be extended to the present applicant. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicant namely – Rajendra Bhusari Son of Hanumant Rao Bhusari shall be released on anticipatory bail on his furnishing a personal bond of **Rs.50,000/- (Rs. Fifty Thousand only)** and a solvent surety of the like amount to the satisfaction of the concerning Magistrate or Arresting Officer as the case may be, with the following conditions:-

- (i) that he 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 would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

**(Alok Verma)
Vacation Judge**

Kratika