

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No.53 of 2021
(Arising out of SLP (Crl) No 10484 of 2019)

Dilip Singh

Appellant(s)

Versus

State of Madhya Pradesh and Another

Respondent(s)

ORDER

- 1 Leave granted.
- 2 This appeal is against an order dated 11 September 2019 passed by the High Court granting anticipatory bail to the appellant, subject to the condition of deposit of Rs 41 lakhs in court and upon his furnishing personal bond in the sum of Rs 50,000 with one solvent surety in the like amount to the satisfaction of the arresting officer. It was directed that the order would be governed by condition Nos 1 to 3 of sub-Section 2 of Section 438 of the Code of Criminal Procedure. The trial court was directed to deposit the amount so deposited by the appellant with any nationalized bank.
- 3 *Ex facie*, the disputes in the instant case are civil in nature. It is the contention of the complainant that despite having paid Rs 41 lakhs to the appellant pursuant to an agreement for purchase of agricultural land, the appellant has not executed the deed of sale in respect of the same. It appears that the complainant has also filed a civil suit for specific

performance of the said agreement, which is pending adjudication.

- 4 By imposing the condition of deposit of Rs. 41 lakhs, the High Court has, in an application for pre-arrest bail under Section 438 of the Criminal Procedure Code, virtually issued directions in the nature of recovery in a civil suit.
5. It is well settled by a plethora of decisions of this Court that criminal proceedings are not for realization of disputed dues. It is open to a Court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character behaviour and standing of the accused; and the circumstances which are peculiar to the accused and larger interest of the public or the State and similar other considerations. A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial.
- 6 We accordingly modify the order impugned before us by deleting the direction to deposit Rs 41 lakhs as directed by the High Court. Needless to mention, the grant of anticipatory bail shall be governed by the conditions in Section 438(2) of the Code of Criminal Procedure.

7 The appeal is accordingly disposed of.

8 Pending applications, if any, stand disposed of.

.....J.
[Indira Banerjee]

.....J.
[Sanjiv Khanna]

New Delhi;
January 19, 2021
CKB

ITEM NO.3

Court 6 (Video Conferencing)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.10484/2019

(Arising out of impugned final judgment and order dated 11-09-2019 in MCRC No.36553/2019 passed by the High Court of M.P. at Indore)

DILIP SINGH

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(With appln.(s) for IA No.175761/2019 - EXEMPTION FROM FILING O.T.)

Date : 19-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Mansoor Ali, AOR

For Respondent(s)

Mr. D.S. Parmar, AAG
MR. M.P. Singh, Adv.
Mr. Sunny Choudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)