

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1727 of 2015**

Kapil Chauhan aged 28 years s/o Ashok Chauhan, Near Ghatge Nursing Home,
Ganesh Chowk, Nehru Nagar, P.S. Civil Line, Distt.- Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Distt. Bilaspur (C.G.)

---- Non-applicant

For Applicant.	Shri Aishwarya Pandey, Advocate.
For Non-applicant/State.	Shri O.P. Sahu, Government Advocate.
For Objector.	Shri Harshad Vyas, Advocate.

Hon'ble the Vacation Judge**Order On Board****18/05/2015**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.625/2014, registered in Police Station -Civil Line Bilaspur, District-Bilaspur (C.G.) for offence under Section 420/34 of IPC.
2. The applicant has been arrested for committing offence under Section 420/34 IPC on the allegation that the applicant is a member of joint family who owns 1.65 acres of land at Mangala, District -Bilaspur. However, the applicant projected himself as exclusive owner of the property and entered into an agreement with the complainant's wife on 05.09.2014 for sale of the entire 1.65 acres of land and obtained payment of Rs.1 crore. It is stated in the complaint that the applicant falsely projected himself as exclusive owner of the property and obtained the payment. Therefore, he has committed the offence

of fraud and cheating.

3. Learned counsel for the applicant would submit that the complainant is the builder and was aware of the fact that the land owned by joint family and not exclusively by the applicant. He has agreed to execute the agreement.
4. Learned State counsel and learned counsel for the complainant as well would object to the prayer for grant of bail on submission that the applicant has committed fraud and cheating involving Rs.1 crore. Therefore, he is not entitled for grant of bail.
5. Considering the entire facts and circumstances of the case, particularly considering the fact that offences are triable by J.M.F.C, the applicant is in jail since 30.11.2014 i.e. for more than 6 months, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Vacation Judge

Rekha/amita