

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Cr. Case No. 3775 OF 2015**

Kailash Kumar Nag Son of Mohan Lal Nag, age about 32 years, R/o Nagarnar P.S. Nagarnar (Jagdalpur) Civil & Revenue District Bastar C.G.

---Applicant

Versus

State of Chhattisgarh, through Station House Officer Bodhghat (As per FIR and Charge Sheet) Civil & Revenue District Bastar (C.G.)

---Non-applicant

For Applicant	:	Mr. Punit Ruparel, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 28/2015, registered at Police Station Bodhghat, Civil & Revenue District Bastar (C.G.), for the offence punishable under Section 420 read with Section 34 of I.P.C.

2. Case of the prosecution, in brief, is that, present applicant and one co-accused obtained Rs. 2,05,000/- from the complainant- Jagdish Ram on 13/12/2013 but failed to execute the sale deed in his favour and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that complainant- Jagdish Ram failed to

make payment of balance consideration, therefore, sale deed could not be executed and there is delay of one year in lodging FIR as FIR has been lodged on 02/02/2015. He would lastly submit that charge sheet has been filed and applicant is in jail since 03/02/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of dispute; extent of delay in lodging FIR; pretrial detention of the applicant and charge sheet has been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE