

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4930 of 2015

Vijay Singh Shakya, son of Hukum Singh Shakya, aged about 43 years,
resident of Amapara ward No.12, Balod, Police Station Tahsil and District
Balod, Chhattisgarh ... **Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police Station
Balod, District Balod, Chhattisgarh ... **Non-applicant**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Omprakash Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 200/2015 registered at Police station Balod, District Balod (C.G), for the offences punishable under section 420 IPC.
2. As per the prosecution case, one Asho Bai, who was aged about 85 years is in possession of 0.59 hectares of land. She was in need of money and therefore, asked her grand son to sell the land bearing Khasra No.388 and thereby entered agreement. However, in lieu of the said agreement, a sale deed for a consideration of Rs.21 lakhs was executed in favour of the applicant, however, no amount was paid.
3. Learned counsel for the applicant submits that in respect of the same case, a civil suit was filed and an agreement was entered between the purchaser and the complainant wherein an amount of Rs.2,20,000/- was paid. He relied on agreement filed along-with the petition and would submit that according to the agreement, the amount is said to be received thereby the offence has been

compromised. He submits that the charge sheet has already been filed and the applicant is in jail since 21.08.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that as per the agreement, the amount was paid, but further enquiry made by the police would show that the amount has not been paid to Asho Bai.
5. A perusal of the sale deed would show that the sale deed worth Rs.17,48,000/- was executed. Therefore, the submission made by the petitioner appears to be negated by the reasoned statement which has been recorded by the SHO over the compromise as the statement of Asho bai do not confirm the fact that she has received any amount. Consequently though further agreement is executed but actually the amount has not been paid.
6. Taking into aspects of the case that the complainant who is a lady aged about 85 years is defrauded and the way the offence committed and further on enquiry it is found that the amount stated in the compromise has not been paid to complainant, it leads to further draw an inference that the evidence is being tampered.
7. Consequently, I am not inclined to allow this bail application. It is rejected.

Sd/-
GOUTAM BHADURI
JUDGE