

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6007 of 2015

1. Balram Sahu, S/o. Parasram Sahu, aged about 50 years, R/o. Village – Sagin Kachhar, Dongargaon, District Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Donagargarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

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.292/2015, registered at Police Station – Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 420, 294, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the co-accused Parasram had agreed to sale the land for Rs.10.00 lakhs and out of that an amount of Rs.5,25,000/- was received as an earnest money, wherein this applicant has scribed his signature as an witness. Thereafter, it was found that the land which was agreed to be sold was already sold to other person.
3. Learned counsel for the applicant would submit that the charge sheet in this case has been filed and the nature of the dispute is agreement of sale. He would further submit that the role played by the applicant is

that he only signed the document as an witness. He would further submit that the applicant is in jail since 24.07.2015, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed and the role played by the applicant and the primary evidence is of documentary in nature, the offence is triable by Judicial Magistrate First Class, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge