

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5021 of 2015

Sagar Jain, S/o Shri Anil Kumar Jain, aged about 20 years, R/o Qr.No.7/5,
Rishabh Nagar, Durg, Tahsil & District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Durg, District Durg
(C.G.)

---- Non-applicant

For Applicant:	Dr. N.K. Shukla, Senior Advocate with Mr. Utsav Mahiswar, Advocate.
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For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.
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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.18/2015, registered at Police Station Mohan Nagar, Durg, Distt. Durg, for the offence punishable under Section 420 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that Anish Jain, brother of the applicant, entered into an agreement to sell on 23-10-2013 with complainant Pooran Bhagat Panjwani and obtained ₹ 42 lakhs in presence of the applicant and his father Anil Kumar Jain. Later on, in reply to the public notice dated 10-9-2014 issued by the complainant, Anil Kumar Jain objected such an agreement and claimed title in himself and also proclaimed that Anish Jain is not the title holder and thereby cheated the applicant.
3. Dr. N.K. Shukla, learned Senior Advocate for the applicant, would submit

that the present applicant is son of Anil Kumar Jain, he has no role to play in the offence in question as such, there is no allegation of commission of offence against the present applicant. Main accused is Anish Jain. Anil Kumar Jain has already been granted bail by this Court vide order dated 10-9-2015 passed in M.Cr.C.No.4695/2015, the applicant has neither entered into agreement to sell with the complainant nor has obtained any money from the complainant, he has been falsely implicated on account of dispute between his father and his brother Anish Jain. The applicant is in custody since 18-8-2015, charge-sheet has been filed on 23-8-2015 and no custodial interrogation of the applicant is required, as such, he be released on bail.

4. On the other hand, Mr. Anupam Dubey, learned Deputy Govt. Advocate for the State/non-applicant, opposes the application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant as he has not taken any amount and he is younger son of Anil Kumar Jain who has already been granted regular bail by this Court, charge-sheet has already been filed and considering the pre-trial detention of the applicant, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge