

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5218 of 2015

Manoj Singh Rajput S/o Jawahar Singh Rajput Aged About 35
Years R/o Karamchari Nagar Shiv Mandir Sikola Bhatta, Police
Station Mohan Nagar, Durg, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Mohan Nagar, Civil And Rev. Distt. Durg Chhattisgarh.

For applicants – Shri R.S. Baghel, Advocate.
For Respondent/ State – Shri Neeraj Jain, G.A.
For objectors – Shri Alok Bakshi, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/10/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 577/2014 registered in Police Station Mohan Nagar, Civil and Revenue District Durg C.G. for offence punishable under section 420 of IPC.
2. As per the prosecution case, the applicant entered into agreement with objectors/complainants for sale of the land and out of the agreement some sale consideration was received, however when sale was made by the objectors to the third party, entire sale consideration was received by the applicant which was not paid to the objectors/complainants, therefore report was made and case was registered.
3. Learned counsel for the applicant submits that the entire nature of the allegations are in civil nature as initially agreement was entered in between the parties i.e. complainants and the applicant and Rs.12 lakhs was paid by the applicant to the objectors. Subsequently, some land sold

by the objectors in favour of other two purchasers and the sale consideration which was received by the applicant which was not paid to the objectors/complainants and he submits that charge-sheet has already been filed, therefore considering detention of the applicant as he is in jail since 8/09/2015, applicant may be enlarged on bail.

4. Learned State counsel as also learned counsel for the objectors opposes the prayer for grant of bail. Learned counsel for the objectors would submit that sale was made at the instance of the applicant himself and the entire sale consideration was received by him and false complaint case has been lodged before the court below with a pleading that he has received entire Rs.26 lakhs of sale consideration and false acquisition and averments have been made.

5. Having considered the nature of the allegation and the gravity of the case, taking into account the fact that issue arises out of sale transaction and agreement between the parties and further taking into account charge-sheet has been filed, applicant is in jail since 8/09/2015, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

