

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 345 of 2016

Jitendra Kumar Sahu, S/o. Sahdev Sahu, Aged About 42 Years,
Occupation Farming, R/o. Village Odekera, Thana & Tahsil Pussore, Distt.
Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Pussore,
District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.243/2015, registered at Police Station– Pussore, District Raigarh (C.G.) for the offence punishable under Section 420 of Indian Penal Code and Section 4 of Karza Act (The Chhattisgarh Protection of Debtor Act, 1937).
2. Case of the prosecution, in brief, is that the applicant used to grant loan to the different agriculturist and has getting the sale deed executed in his favour and simultaneously an agreement was being executed whereby it was stated that though the sale deed executed the amount would be repaid within further period of two years, therefore, the offence under Section 420 has been committed.

3. Learned counsel for the applicant submits that no offence is made out in as much as the applicant has purchased different lands by registered sale deed and the alleged agreement was executed which goes to show the fact that the sale consideration was paid in its entirety. It is further submitted that such transactions are not prohibited under the provisions of Transfer of Property Act; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary, statement and agreement. Taking into fact that the sale deed were executed and subsequently some agreement was executed to re-convey the property, therefore, prima facie it appears that such transactions are not barred under the Transfer of Property Act. Considering the nature of allegation and the degree of offence and the fact that the applicant is in jail since 02.01.2016, I am inclined to release the applicant on 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