

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1252 of 2016

Pramod Kumar Joshi, aged about 29 years, S/o Uday Kumar Joshi, R/o House No.71, Housing Board Colony, Sejbahar, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Deendayal Nagar, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/03/2016

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.190/2013, registered at Police Station Deendayal Nagar, Raipur, Distt. Raipur, for the offence punishable under Sections 420, 467 and 468 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that agreement to sale was entered into between complainant Kalyan Dubey and the applicant on 6-7-2012 for sale of land and the applicant obtained total Rs.6,50,000/- but neither returned the amount nor registered the land in favour of the complainant and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. It is a purely civil dispute, if the amount has been given, remedy available for the complainant is to file suit for refund of money or to file suit for specific performance of contract, but no such remedy was availed. The applicant is in

jail since 4-1-2016. Charge-sheet has been filed against other co-accused and not filed against the present applicant.

4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and gone through the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, nature of dispute, FIR lodged on 8-8-2013, co-accused has already been enlarged on bail and pretrial 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