

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2129 of 2016

1. Shaukat Khan, S/o. Ummat Rasool Khan, aged 44 years, R/o. Yadunandan Nagar, Tifra, Tahsil and District-Bilaspur (C.G.), Civil and Revenue District-Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Chakarbhata, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. K.A. Ansari, Sr. Advocate with Mr. Devesh G. Kela, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

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.106/2016, registered at Police Station – Chakarbhata, District – Bilaspur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant entered into the sale agreement with the complainant Mohneesh Kurre of Plot No. 7 & 8 of 5986 sq.ft., situated at Transport Nagar, Parsada, District-Bilaspur @ Rs.450/- and Rs.14,00,000/- were received and since the sale deed could not be executed, the complainant could not purchase the land and the land in-fact was held in agreement from the original owner. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the applicant has not committed any

offence. He further submits that the applicant is still ready and willing to execute the sale deed in favour of the complainant. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 28.03.2016, therefore, the counsel 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.
6. Perused the case diary and the statement. Considering the fact that charge-sheet in this case has been filed and the transaction in between the parties appears to be of civil in nature and taking into the statement made by the applicant that he is still ready and willing to execute the sale deed in favour of the complainant, Mohneesh Kurre. Considering such statement and the fact that charge-sheet in this case has been filed and the applicant is in jail since 28.03.2016, 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