

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3210 of 2016

Asharaf Ali S/o Siraj Ali Aged About 32 Years R/o Farid Nagar,
Nijami Chowk, Bhilai, Tahsil & District - Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station - Supela, Bhilai, District - Durg Chhattisgarh

---- Respondent

For applicant - Shri Anup Majumdar, Advocate.
For Respondent/State – Ms. Shobha Kashyap, G.A.
For complainant- Shri Manish Upadhyay, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 17/2016 registered in Police Station Supela, Bhilai, District Durg (C.G.) for offence punishable under sections 420, 467, 468, 471/34 of Indian Penal Code.
2. As per the prosecution case the applicant entered into agreement of sale with one Sunderlal for purchase of land bearing khasra No.305/1 admeasuring 5 acres. Subsequently, a report was lodged by complainant Gayatri Dewangan that her father-in-law has died on 31/12/1997 and therefore by false personification amount was shown to be paid to Sunderlal.
3. Learned counsel for the applicant submits that the applicant himself has been deceived and thereafter after coming to know of the fact that applicant has entered into agreement with original owner Chandrakala Dewangan for Rs.12,80,000/- and out of that Rs.4 lakhs have been paid and three lakhs were deposited in the joint account of son and Smt.

Chandrakala Dewangan and one lakh deposited in the account of Chandrakant and the complainant do not want to prosecute this case and has compromised, therefore the applicant may be released on bail.

4. Learned State counsel and counsel for the complainant do not dispute the fact that compromise has been affected.

5. Perused the documents and the record wherein complainant has entered into agreement with the applicant and has filed no objection for bail. Taking into such submission and hearing learned counsel for the complainant and also considering the facts and circumstances of the case, 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.

7. Learned trial court shall ensure the fact that actual beneficiary of the amount i.e. Smt. Chandrakala Dewangan should be apprised with the facts and payment of amount during the course of proceeding.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE