

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3514 of 2016

1. Vinod Kumar Goyal, S/o. Jagannath Goyal, aged about 56 years, Occupation- Business, R/o. Village-Putkapuri, Thana & Tahsil – Pusour, Civil and Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Kotra Road, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/07/2016

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.28/2015, registered at Police Station – Kotra Road, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one report was made by the farmers of the land that the applicant has floated different forged agreement of sale of land, which do not bear their signature and one report was made by the Manager of the company, Ray Industrial Project Pvt. Ltd. that a service agreement was entered

between the company and the applicant to purchase the land and lieu thereof, the amount of Rs.10,70,000/- was transferred on the different dates and on the basis of forged agreement, the company has been deceived. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that by the agreement of sale of land, ownership has not been passed neither the possession was taken and on the basis of service agreement between the applicant and the company Ray Industrial Project Pvt. Ltd., Rs.10,70,000/- was paid in five different dates from 12.09.2014 to 03.12.2014 and the dispute is arising out of service agreement, consequently no offence is made out. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 18.03.2016, therefore, 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 facts and circumstances of the case and the fact that evidence in this case are documentary in nature, taking in to the background of the case and the documents prima-facie shows that dispute arises out of the service agreement between the parties and further considering the fact that ownership of the land has not been transferred, without any observation on merit, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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