

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7488 of 2015

Lal Sai Shyam @ Munna, S/o. Sahdev, Aged About 31 Years, R/o. Village Gumadand, P.S. Chandora, Distt. Balrampur–Ramanujganj, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Chalgali, Distt. Balramur- Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.01.2016

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.109/2014, registered at Police Station–Chalgali, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 420, 421, 467, 468, 469, 471/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused obtained an amount of Rs.24 Lakhs from the complainant Rajaram and thereafter instead of 10 Acres as was agreed upon, 5 Acres of land was transferred and executed a sale deed in name of the son of the complainant. Hence, the offence has been committed.
3. Learned counsel for the applicant submits that the transaction is out and out of a civil nature and it is not a case that there was a cheating of the entire land as 5 Acres land was transferred and sale

deed was executed. He further submits that an affidavit was also filed by the son of the complainant that they do not want to continue with the proceeding in respect of the complaint, 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. Taking into the facts and circumstances of the case, it appears prima facie that 5 Acres of land was transferred and sale deed was executed but it was alleged that actually the transaction was for 10 Acres of land. Considering the degree of allegation and the fact that the charge sheet has been filed in this case and the applicant is in jail since 08.04.2015, 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