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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 788 of 2016**

Nand Kumar Kashyap, S/o- late Ramnihore Kashyap, aged about 39 years, R/o- Chingrajpara, P.S.- Sarkanda, Distt. Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through – Station House Officer, Police-Station- Sarkanda, Distt. Bilaspur (C.G.)

.....Non-applicant

For Applicant:	Mr. V.C. Ottalwar, Advocate.
For Non-applicant/State:	Mr. O.P. Sahu, Dy. Govt. Advocate.
For Objector	:Mr. Suresh Kumar Verma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/04/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.22/2016 registered at Police Station –Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant obtained Rs. 80 lakhs to sell the land bearing Khasra No.201/4, area 0.50 decimal from complainant Amit Mishra stating that he has obtained consent from the co-owners and after obtaining money failed to execute necessary documents in favour of

complainant and thereby cheated the complainant.

(3) Learned counsel appearing for the petitioner would submit that the applicant has been falsely implicated in the offence in question and he has not committed any offence. He further submits that consent letter was executed by other co-owners, but after obtaining money they have denied the same for which civil suit filed by the applicant for declaration, permanent injunction pending consideration and thus, it is a civil dispute arose between the parties. He further submits that the applicant is in jail since 8.1.2016 and the charge sheet is yet to be filed but substantial investigation has already been completed and, therefore, the applicant may be released on bail.

(4) On the other hand, Counsel for the State as well as Objector would oppose the bail application stating the after obtaining Rs. 80,000/-, other co-owners have informed that they have not given consent for such sell.

(5) Taking into consideration the nature & gravity of the offences; facts & circumstances of the case; and the manner in which the applicant obtained Rs.80,000/- to sell the land stating that he has obtained consent from the co-owners and after obtaining money failed to execute necessary documents in favour of complainant; and the other material available on record, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-