

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3870 of 2016

Ashish Kumar Jain, S/o. Late Rajendra Kumar Jain, Aged About 40 Years,
R/o. 22 Prem Pushp Vihar, Jalvihar Colony, Tahsil & District. Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- New
Rajendra Nagar, Raipur, Chhattisgarh

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.07.2016

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.34/2016 registered at Police Station- New Rajendra Nagar, District Raipur (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 who is one of the Director of R.K.Jain & Construction sold the plot bearing No.72 admeasuring 1892 sq.ft. wherein at 1120 sq.ft. the construction was to be made to the complainant on 06.08.2011 and subsequently the same plot another area of 750 sq.ft, was sold to one Fatkanbai on 30.09.2011 and thereby the offence has been committed.
3. Learned counsel for the applicant would submit that due to some inadvertence the same land was sold as initially there was no construction was made. The counsel would submit that the

applicant gives an undertaking before the Court that he will made good the loss caused to the complainant Reena Das Gupta within a further period of three months from today, in as much as, in other cases, the applicant has compounded the offence in similar like nature of offence for which the report was made. She further submits that irrespective of the fact that the loss, which has been caused, it would be made good, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the complainant. Taking into fact that the charge sheet has been filed and considering the undertaking made before this Court. Further, considering the fact that the offence can be compounded in view of the undertaking which has been extended before the Court that the applicant is going to make good the entire loss to the complainant in all form within further period of three months, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is further observed that if the undertaking is not carried out then the complainant would be at liberty to approach this Court for cancellation of bail.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge