

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3876 of 2016

1. Ashish Jain, S/o. Late Rajendra Kumar Jain, aged about 40 years, R/o. 22 Prem Pushp Vihar, Jalvihar Colony, Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station- Civil Lines, Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Ms. Fouzia Mirza, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/08/2016

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.718/2015, registered at Police Station – Civil Lines, District – Raipur (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by the complainant, Sandeep Jaiswal alleging that the applicant had sold the flat No.401 and 402 to him for consideration of Rs.17,50,000/- in the year 2008. Subsequently it came to the knowledge that the applicant had earlier sold the same flat to his brother and mother namely Vikas Jain and Premlata Jain in the year

2005 and they have obtained the loan by keeping the flat by mortgage. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the settlement has been arrived at and brother and mother of the applicant namely Vikas Jain and Premlata Jain agreed to execute the sale deed in favour of the complainant, Sandeep Kumar Jaiswal and also agreed to liquidate the loan which was obtained in respect of the said flat. It is further submitted that the applicant is in jail since 22.12.2015 and the charge sheet in this case has been filed, therefore, the counsel prays that 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 as also the affidavit of Vikash Jain and Smt. Premlata Jain, they have agreed that they would transfer the flat in the name of the complainant within further period of three months and would liquidate the loan also within stipulated time. Considering the facts and circumstances of this case, 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

Balram