

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4973 of 2016

- Mohammad Latif S/O Late Hazi Mohammad Qadar Aged About 61 Years
R/O 103-A, Jainam Heights, Lalpur, Raipur Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil
Lines, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dr. N.K. Shukla, Sr. Advocate with Mr. Kasif Shakeel, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy.G.A.
For objectors	:	Mr. Malay Shrivastava and Mr. Sanjay Patel, Advocates.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-10-2016

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 on 26-7-2016 in connection with Crime No. 427 of 2016, registered at Police Station Civil Lines, District Raipur (CG) for the offence punishable under Section 420, 467, 468, 471, 120-B of the IPC.
2. Case of the prosecution, in brief, is that a report was made by complainant Tej Kumar Bajaj that he has purchased the Flat No..502, Block No."A", Khusi Tower situated at village Amlidih, Ward No.34, Dr. Rajendra Prasad, Raipur on 25-3-2014 from Mandar Paradkar and the present applicant stood as an attesting witness in the sale deed dated 25-3-2014. Subsequently, the possession of the same flat was taken over by Punjab National Bank on 26-6-2015 as some loan was outstanding

which was taken by Prabhabagh. Subsequently, on investigation it was revealed that same flat was initially sold by the builder R.K. Construction to Prabhabagh on 27-5-2011 on which she obtained loan from Punjab National Bank. Thereafter, R.K. Constructions again sold the same flat to Ashish Singh on 28-9-2011. Since Prabhabagh did not pay the amount of such loan, possession of the flat was taken over the Punjab National Bank.

3. Learned counsel appearing for the applicant would submit that the applicant only stood as an attesting witness in the sale deed, charge-sheet has been filed in this case, the applicant is in jail since 26-7-2016 and no further investigation is necessary, therefore, taking into nature of the evidence, the applicant may be released on bail.
4. On the other hand, learned State counsel as well as learned counsel for the objectors oppose the prayer for grant of bail.
5. On being a specific query asked, the objector submits, on instructions, that the complainant Tej Kumar Bajaj has already entered into another agreement for another property.
6. I have heard learned counsel for the parties, perused the case diary and other documents which would show that initially R.K. Constructions sold the said flat in the year 2011 to Prabhabagh, who obtained loan from Bank and subsequently R.K. Constructions again sold the same flat to one Ashish Singh in the year 2011 and in respect of the same flat in the year 2013 it was sold to Mandar Paradkar and again in the year 2014 the same was sold to Suman Bajaj wherein the present applicant stood as an attesting witness.
7. Taking into consideration the facts and circumstances of the case, considering the fact that all the evidence appears to be documentary in nature and also the fact that charge-sheet in this case has been filed

and the applicant is in jail since 26-7-2016, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju