

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5106 of 2016

- Mandar Paradkar S/O Shriram Paradkar Aged About 30 Years R/O F/16 Maruti Residencies, New Rajendra Nagar, P.S. - New Rajendra Nagar, Distt. - Raipur Chhattisgarh Mb. 9406003400

---- Applicant

Versus

- State Of Chhattisgarh Through : P.S. - Civil Lines, Distt. Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate
For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.
For objectors : Mr. Rajiv Shrivastava and Mr. Sanjay
Agrawal, Advocates.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-09-2016

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 25-7-2016 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 the present applicant and 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, investigation 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. It is further case of the prosecution that the applicant has also obtained loan from Jammu Kashmir Bank for purchasing the flat which was not disclosed.

3. Learned counsel appearing for the applicant would submit that the applicant himself is a victim of the conspiracy fraud as he purchased the flat for consideration from R.K. Constructions on 23-6-2013. Subsequently, since the applicant was transferred to Dantewada and he being a Government employee, sold the flat to Suman Bajaj on 25-3-2014 and it is not a case that the applicant has passed the property with charge. Therefore, the applicant who purchased the flat which was earlier sold by the builder R.K. Constructions, has sold the same to Suman Bajaj. Consequently, no fraud has been played by the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 25-7-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel as well as learned counsel for the objectors opposing the prayer for grant of bail would submit that the applicant knowing well fully that the loan was outstanding over such flat, sold the property by concealing those facts in favour of Suman Bajaj, wife of complainant Tej Kumar Bajaj, therefore, the applicant is not entitled to be released on bail.
5. 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 present applicant and the applicant sold the same to Suman Bajaj, wife of complainant Tej Kumar Bajaj. Taking into entire facts of the case, it appears that the property was sold to different purchasers by R.K. Constructions.

6. Taking into consideration the facts and circumstances of the case, considering the nature of transaction, further considering the evidence which is available on record against the applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 25-7-2016, 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 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