

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5241 of 2016

- Saiyyad Nawaz Ali S/o Saiyyad Hamid Ali Aged About 40 Years R/o Mahadev Ward Sheetla Para, Kanker, P.S. Kanker, Revenue & Civil District North Bastar Kanker, Chhattisgarh.
--- Applicant

Versus

- State of Chhattisgarh Through The Police Station Kanker, District Kanker, Chhattisgarh.
--- Respondent

For the applicant	:	Mr. Pravin Tulsyan, Advocate
For the Respondent	:	Mrs. Shobha Kashyap, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 249 of 2016 registered at P.S. Kanker, Distt. Kanker (C.G) for the offence punishable under Section 420 of IPC.
2. As per the prosecution case, a report was lodged by the complainant Wasim Ahmad that the applicant Nawaj Ali and another co-accused cheated him by executing an agreement for sale of land by seller Prakash Patel who was in need of money and initially an amount of Rs.2 lakhs was paid. Subsequently another amount of Rs.1 lakh was paid on the ground that the amount is required for some treatment of his family members, thereby total Rs.3 lakhs was paid. Thereafter on enquiry, it was revealed that the seller was not Prakash Patel and he was actually co-accused Satish Sinha, thereby the applicant along-with co-accused has deceived the complainant Washim Ahmad Khan.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he is merely an attesting witness to the agreement and he has not noticed the fact that Satish Sinha is not Prakash Patel. He further submits that the charge sheet in this case has been filed and no further investigation is necessary, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the facts and circumstances of the case and taking into nature of allegations as also the fact that the applicant was an attesting witness and the evidence available in this case appears to be documentary in nature, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**