

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6072 of 2016

- Smt. Lalita Nandi W/O Dinesh Nandi Aged About 40 Years R/O Gobara, Nayapara Rarim Distt. Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Durg District & Revenue District Durg Chhattisgarh

---- Respondent

For Applicant : Mr. Raj Kumar Gupta, Advocate

For Respondent/State : Mr. Anil S. Padey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-10-2016

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 17-8-2016 in connection with Crime No. 679 of 2015, registered at Police Station Durg, District Durg (CG) for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Smt. Rachana Kamajdar that she agreed to purchase the land bearing Khasra No. 225/4 for Rs.7,00,000/- from the present applicant and an amount of Rs.6,00,000/- was received by the applicant in cash and the agreement was executed on 12-10-2012 and thereafter sale was to be made till 15-10-2014. Subsequently, when the complainant approached to applicant for registration of the land, it was found that the said land was recorded in the name of some other person whereby an amount of Rs.6,00,000/- was taken taken by the applicant by fraud and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. The alleged agreement is also in dispute. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-8-2016 and no further investigation is necessary, therefore, she may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents and also the statement of the complainant which would show that all the evidence appears to be documentary in nature.
6. Taking into consideration the facts and circumstances of the case, further considering the fact that charge-sheet in this case has been filed, all the evidence appears to be documentary in nature, the applicant is in jail since 17-8-2016, investigation is complete and no further investigation would be necessary, 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 her 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 her appearance as and when directed.

Certified copy as per rules.

Sd-
(Goutam Bhaduri)
Judge

Raju