

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6160 of 2016

Sharad Rawal, S/o. Himmat Lal Rawal, Aged About 39 Years, R/o. Kargi Road, Kota, Police Station- Kota, District- Bilaspur, Chhattisgarh. Civil & Revenue District Janjgir-Champa.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, Janjgir Champa, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.11.2016

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 in connection with Crime No.83/2016 registered at Police Station- Baloda, District Janjgir-Campa (C.G.) for the offence punishable under Section 420, 409, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Chandrahas Dewangan that the applicant who is the Director of Rawal & Oriall Technology Pvt. Ltd. entered into an agreement to take the land on lease for 20 years and as per the agreement, the land owner in the first year was to invest Rs.75,000/- per acre for development of the land. Consequently, the applicant has paid Rs.6,00,000/- to the Company and the other persons namely Om Prakash has invested Rs.80,000/- and Santosh Thawait has invested Rs.27,000/-.

Subsequently, certain cheques were given to the complainant Chandrahas, Chamra Ram, Om Prakash and others, which were bounced and no development of the land is carried out. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant being the Director of the Company has not taken the amount and two-three persons who have invested the amount, which was for the development of the land itself and the expenditure was made in the land and it is not a case that the applicant has received the amount. He further submits that the cheque which was given to the other persons, which got bounced as the applicant could not carryout the development and no other persons have given the amount and even if the amount has been invested, it was for the development of their own land and the complainant and others are in possession of their land. He further submits that the applicant was not in possession of the land, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of Chandrahas Dewangan, Chamru Ram & Santosh Thawait, which prima facie shows that the investment was made for the development of the land. Taking into the nature of allegation and the nature of evidence which is documentary in nature and further taking into the submission made by the applicant and he is not in possession of the entire land, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok