

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6301 of 2016

1. Vasudev Saraff @ Vasudev Soni S/O Satyanarayan Prasad Soni Aged About 58 Years R/O Near Chandani Chowk, Ring Road, Mayapur, Ambikapur, Police Station & Post Ambikapur, District Surguja, Chhattisgarh.
2. Smt. Asha Saraff W/O Vasudev Saraff Alias Vasudev Soni Aged About 53 Years R/O Near Chandani Chowk, Ring Road, Mayapur, Ambikapur, Police Station & Post Ambikapur, District Surguja, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate
For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

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 applicants who have been arrested on 14-9-2016 in connection with Crime No. 634 of 2016, registered at Police Station Ambikapur, District Surguja (CG) for the offence punishable under Sections 420, 467, 468, 471 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by Omprakash Saraff who is real brother of applicant No.1 Vasudev Saraff, that his wife Smt. Usha Saraff has entered into agreement with Asha Saraff, applicant No.2 herein for purchase of land bearing Khasra No 1920/11 area 0.017 ars which is equivalent to 6

decimal. Subsequently, the land was found only 4 decimal and by such deceitful act, the applicants have obtained total sale consideration of Rs.40,000,00/- in part and thereafter failed to execute the sale deed and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, the dispute is a purely of civil nature and it leads to specific performance of contract. It is further submitted that as per Annexure A/2, specific admission was made that sale deed would be executed after obtaining the necessary permission from the Collector since the land was situated at scheduled area, therefore, in the facts and circumstances of the case, no criminality has been committed by the applicants. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 14-9-2016 and no further investigation is required, therefore, they 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 documents. Prima facie, it appears that the dispute arose over an agreement of sale deed dated 20-11-2014 in between Asha Saraff and Smt. Usha Saraff, who is wife of the complainant.
6. Taking into consideration the facts and circumstances of the case and further considering the facts involved in this case, prima facie it appears that the dispute is of civil nature and further taking into consideration the fact that the dispute arose out of an agreement in between the parties over a sale of immovable property and also the

fact that charge-sheet in this case has been filed and the applicants are in jail since 14--09-2016, this court is inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju