

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6345 of 2016

1. Baratram Yadav, S/o. Kamal Yadav, aged about 26 years, R/o. Village-Kudumkela, Police Station & Tahsil Gharghoda, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Gharghoda, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.349/2015, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Prahlad Sidar that the applicant being the land broker allured them to purchase the land and amount of Rs.5,10,000/- was paid. Subsequently, at the time of registry, the original seller Puniram refused to sale the same on the ground that he has not received the amount, whereas the applicant has received Rs.5,10,000/- from the purchaser. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has

been falsely implicated in this case and the nature of the case is civil in nature and it is the dispute of non-purchase of land. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 29.10.2015 and no further investigation is required, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and taking into the fact that the evidence in this case appears to be documentary in nature, charge-sheet in this case has been filed and the applicant is in jail since 29.10.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge