

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7152 of 2016**

- Manish Kumar Gupta S/o Shri Krishn Kumar Gupta, Aged About 30 Years R/o Camp 2, Ganesh Chowk, Santoshi Para, Police Station Chhawani, Tehsil & District Durg, Chhattisgarh. --- **Applicant**

**Versus**

- State of Chhattisgarh through Station House Officer, Police Station City Kotwali, Durg, District Durg, Chhattisgarh. --- **Respondent**

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|--------------------|---|---------------------------------|
| For the applicant  | : | Mr. Anish Tiwari, Advocate      |
| For the Respondent | : | Mr. Anupam Dubey, Dy.Govt. Adv. |
| For the Objector   | : | Mr. Pravesh Sharma, Adv.        |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**16.11.2016**

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. 235 of 2013 registered at P.S. City Kotwali, Distt. Durg (C.G) for the offence punishable under Sections 419, 420, 467, 468, 471, 120B, 34 IPC.
2. As per the prosecution case, certain complaint was made by one Rakhi Gupta that her father Kanhailal Gupta was declared dead in the year 2012. It is alleged that though her father was not available but a sale deed was executed in favour of Ujwal Kumar Shrivastava by false personification wherein the present applicant had identified the said seller, thereby the applicant connivance with other accused, had fraudulently executed the sale.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he was neither

purchaser nor the beneficiary in the transaction and he has only identified the alleged seller. It is also submitted that the complainant has entered into a compromise and she has received the entire amount which would be evident from affidavit dated 27.10.2016 filed as Annexure A-4. He therefore submits that in view of the said compromise, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Learned counsel appearing for the objector submits that the complainant has entered into compromise with the applicant.
6. Perused the affidavit of complainant Rakhi Gupta wherein she has stated that she has compromised the issue with the complainant.
7. Considering the facts and circumstances of the case particularly the fact that Complainant has settled the dispute as evident from Annexure A-4, I am inclined to allow this bail application.
8. 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**