

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7154 of 2016

1. Ramkrishna Gupta, S/o. Late Shivismurat Lal Gupta, aged about 59 years, R/o. House No.262, Samta Colony, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Gudhiyari, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2016

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.307/2016, registered at Police Station – Gudhiyari, District – Raipur (C.G.) for the offence punishable under Section 420, 468, 471, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Mohan Sharma, who was inducted as a tenant by the present applicant for monthly rent of Rs.36,000/- for go-down. It is alleged that in the rent agreement, the applicant himself has shown to be the owner, whereas he was the tenant and the actual owner are Rajendra Prasad Mishra and Sanjay Mishra, who had purchased the same on 26.02.2014. Thereby the fraud has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and initially the applicant is in possession of the said go-down from 1977 and the electricity was

being paid in his name and after purchase of the property by the Rajendra and Sanjay Mishra, 145 proceedings was drawn which ultimately was dismissed and it was actually sub-let to Mohan and in order to evict the applicant, the false allegation has been levelled. Therefore, the counsel prays that 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. Perused the documents attached to the bail application and the case diary, which shows that some rent agreement was executed between the present applicant and one Mohan. Taking into the fact the nature of evidence and all the evidence in this case appears to be documentary in nature and the applicant is in jail since 10.10.2016, 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