

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6422 of 2017

- Vikas Jain S/o Late Rajendra Kumar Jain, Aged About 45 Years, R/o 22, Prem Pushp Vihar, Jalvihar Colony, Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Rajeev Shrivastava, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant was arrested on 08-11-2016 in connection with Crime No.17/2015 registered at P.S. Rajendra Nagar, Raipur, District Raipur, C.G. for the offence under Section 420, 467, 468, 471, 120B, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 08-11-2016. The case is before the trial Court after completion of the investigation. There is no evidence against the applicant to hold him guilty for the offences charged against him. It is submitted that co-accused/main accused in this case Ashish Jain has been benefited with grant of bail in MCRC No.1788/2016 by coordinate Bench of this Court, the applicant stands at better footing, hence, it is prayed that the

applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant had been in the conspiracy by which the main accused Ashish Jain and others have cheated a number of persons by committing offences of forgery etc. Hence, for this reason, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case are these that main accused Ashish Jain and 8 others purchased a land in Raipur jointly. The land was developed and after constructing residential bungalows on it Ashish Jain sold out all the bungalows to various persons. One of the bungalow was transferred to the applicant. The allegation is this that the main accused Ashish Jain forged a power of attorney showing that the remaining 8 joint owners had authorized him and after completing all the legal processes has sold out the property and thus have cheated them.

6. Considered the submissions. As it appears that main accused Ashish Jain has been benefited with grant of bail by the coordinate Bench of this Court in MCRC No.1788/2016, this Court is of the considered view that on this ground alone, the applicant also deserves to be enlarged on bail.

7. Consequently, the application (MCRC No.6422/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge