

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 919 of 2017

- Mohd. Taj S/o Noor Mohammed, Aged About 50 Years
Occupation Agriculture, R/o Village Bhavrahi, Police Station
Surajpur, Chowk Basdehi, District Surajpur Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station Ambikapur, District Sarguja Chhattisgarh ---
Respondent

For the applicant	:	Mr. Arun Kochar, Advocate
For the Respondent	:	Mr. D.R.Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.02.2017

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. 632/2016 registered at P.S. Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Sections 120-B, 420, 467, 468, 471, 34 of IPC.
2. As per the prosecution case, a report was made by one Rajesh Agrawal that he entered into an agreement with Mankunwar, widow of Radha Ram for purchase of land bearing Khasra No. 259/1 admeasuring 0.466 hectares at village Sohaga and Rs.10 lakhs was fixed as sale consideration, out of which, earnest money of Rs.2 lakhs was paid to the said Mankunwar. Subsequently when the sale deed was not executed, a legal notice was served by Rajesh Agrawal. It was discovered that accused Janardan Kushwaha

has falsely projected Kanti Bai as Mankunwar and he along with another accused Krishna Kumar Rajwade has executed the agreement. Subsequently present applicant Taj Mohmmad and the original owner Mankunwar approached the complainant and stated that he has entered into false agreement and on that pretext demanded Rs.5 lakhs and extended threat that if the amount is not paid, the complainant will be in trouble. Therefore, eventually another agreement was executed between Mankunwar and complainant and it was settled for Rs.3,30,000/- and Mankunwar obtained Rs.1,50,000/-. The allegation against the present applicant Mohd. Taj is that he stood as a witness in the said agreement, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is not the beneficiary and the sale consideration was received by other accused. He further submit that the charge sheet has been filed; no further investigation is necessary and looking to the period of custody, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. It appears that all the evidence available in this case appears to be documentary in nature.
6. Considering the nature of allegations and the totality of facts and circumstances of the case especially the fact that the charge sheet has been filed; no further investigation is necessary and further looking to the period of custody as he is stated to be in jail since 03.11.2016, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 for his appearance before the said Court.

Sd/-
GOUTAM BHADURI
JUDGE

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