

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 709 of 2017

Sachin Jain, S/o. Jhumerlal Jain, Aged About 35 Years, Village- Parsada, Police Station- Ranchirai, Tehsil- Gunderdehi, District- Balod, Chhattisgarh Presently R/o. In Front Of Jain Temple, Sadar Bazar, Tahsil- Durg, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station Officer, Police Station- Ranchirai, District- Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.86/2016 registered at Police Station- Ranchirai, District Balod (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 384, 34 of Indian Penal Code and Section 3 & 4 of Chhattisgarh Debtors Protection Act, 1937.
2. As per the prosecution case, one Kachru Ram Sahu lodged a report against the present applicant and one Jhumar Lal on 19.09.2016 alleging that he obtained certain loan of Rs.45,000/- three years back from Jhumar Lal Jain and no documents were executed, however, subsequently it was stated that the amount was inflated to Rs. 78,000/-. Subsequently, it was said to have been inflated to Rs.3,50,000/- and thereafter a sale deed was

executed in favour of Sachin Jain, the present applicant, however, no amount was paid at the time of registration of the sale deed. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the sale deed was registered before the Sub Registrar wherein the payment of consideration is recorded and after three years, the false allegations have been alleged, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents as also the sale deed, which records that consideration of Rs.90,000/- has been received. Taking into the facts and circumstances of the case and the nature of allegation, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge