

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1166 of 2017

- Sitesh Sharma S/o Babulal Sharma, Aged About 30 Years R/o Near Gayatri Temple, Vidhya Nagar, District Bilaspur, Chhattisgarh. ---
Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Tarbahar, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.206/2016 registered at P.S. Tarbahar, Distt. Bilaspur (C.G) for the offence punishable under Sections 420 & 418 of IPC.
2. As per the prosecution case, a report was made by one Amit Kumar Dewangan that initially on 25.08.2015 & 29.09.2015 an amount of Rs.1,55,000/- was advanced to the applicant. Subsequently the applicant could not return the amount and as such he entered into an agreement to give a house after construction. However, the land on which the house was promised to be constructed was subsequently found to be in the name of other person and it does not belong to the present applicant, thereby fraud has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and it is an out and out monetary transaction which would be evident from the

statement of complainant and the agreement is also part of record which would show that the applicant has not committed any fraud or cheating, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents, statement of the complainant as also the agreement which are part of the record.
6. Considering the nature of dispute and the facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 09.12.2016, 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 each in the like sum to the satisfaction of the concerned trial Court for his appearance.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**