

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1379 of 2017

Ghanshyam Nirmalkar S/o Dhaniram Nirmalkar, Aged About 32
Years Caste: Dhobi, R/o Village: Lakhanpur, Police Station: Patewa,
Tahsil & District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police
Station: Mahasamund, District : Mahasamund, Chhattisgarh.

---- Respondent

For applicant - Shri Gurudev I Sharan, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/03/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 89/2014 registered in Police Station Mahasamund (wrongly mentioned in the order sheet as City Kotwali Mahasamund) District Mahasamund (CG) for offence punishable under section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Aakash Agrawal that the complainant has purchased the property of khasra No.738/02, 738/4, 741/2, 741/4, 741/5 total area 0.340 hectares for Rs.7,14,000/-. When he went for the mutation it was revealed that some property was sold by the applicant on 22/02/2005 to one Sajan Kumar Agrawal. Thereby fraud has been committed.
3. Learned counsel for the applicant submits that earlier sale deed was only mortgage, it was not sale, applicant is illiterate person and he was not party to the earlier sale deed and the property belong to joint property. He submits that earlier mother had not signed the sale deed, it

was mortgage, though sale deed was executed and property was valued much at that time, therefore the applicant himself was a victim. He submits that charge sheet has been filed, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents as also both the sale deeds. Earlier sale deed only the applicant has executed the sale deed and in subsequent sale deed both applicant and his mother are party. Taking into nature of evidence which appears to be documentary in nature and charge sheet has been filed, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE