

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1682 of 2017

1. Balram Jaiswal S/o Vishvanath Jaiswal, aged about 40 years, R/o In front of Car Shringar, Bhartiya Nagar Chowk, Vyapar Vihar, Police Station Civil Line, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station Patharia, Out Post Sargaon, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant – Shri Praveen Das, Advocate.

For Respondent – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-03-2017

1. Learned counsel for the applicant would submit that Crime No.387/2016 under Section 420, 467, 471 IPC has been registered against the applicant at P.S. Patharia, Distt. Mungeli, C.G. regarding the alleged cheating of Rs.1.5 lac along with forgery regarding showing of land at the spot which was not land of the present applicant and also to use document purposely which was not genuine document. The applicant is in jail since 18-02-2017 till date. The matter is registered on a direction given by the criminal court under Section 156(3) of the Cr.P.C. The matter is triable by the Magistrate first class. The trial may take some time and most importantly the complainant not obtained any written receipt despite alleged allegation that the applicant had taken Rs.1.5 lac for his immediate cause; non-obtaining the receipt from the applicant in any manner and to give the Rs.1.5 lac without any receipt makes the case of the complainant suspicious. Hence, prima facie, as the applicant is the first offender, no other criminal antecedent reported in the charge sheet, he may be enlarged on bail.

2. Heard learned counsel for the respondent/State who opposed the

instance MCRC and would fairly submit that as per the charge sheet and material, no any written receipt was taken by the complainant from the applicant at the time of alleged delivery of Rs.1.5 lac as advance of agreement to sale of a particular immovable property.

3. Perused the matter. It is not the case that the applicant is involved in any of the similar offences, the case is registered only when the complainant reached to the criminal court for praying the registration of the FIR. The matter appears prima facie of civil dispute though the said appreciation may not be used during trial and also with the fact that there is no any justifiable reason for not taking the receipt of Rs.1.5 lac from the applicant, charge sheet is also filed, I am inclined to allow the instant MCRC.

4. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class, Mungeli, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

5. Is is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE