

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4491 of 2017**

Jairam Das S/o Jagdeo Verma, Aged About 49 Years R/o Near Lok Bharti School, Ram Nagar, Police Station Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Shrawan Agrawal, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.274 of 2017, registered at Police Station – Durg, District – Durg, Chhattisgarh for the offence punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is in jail since 28.04.2017 and the applicant has been falsely implicated in this case. The applicant had been appointed as attorney by the owner of the land – Motilal Lodhi. It was in the capacity of attorney that the applicant entered into an agreement for sale of the land in question with Sumit Sushilan.

According to which, a total amount of Rs.28,80,000/- was received by the applicant from the purchaser through cheques. It is submitted that the applicant had *bona-fidely* entered into this agreement for sale and he was never informed that the power of attorney given in his favour has been cancelled by Motilal Lodhi. The co-accused - land owner has been released on bail by this Court in M.Cr.C.(A) No. 371 of 2017 dated 17.5.2017. The case has been investigated and charge-sheet has been filed before the Court having jurisdiction. The case is triable by the Judicial Magistrate First Class. Hence, it is prayed that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant was appointed as attorney by owner – Motilal Lodhi on 7.5.2009 by executing a Power of Attorney and the same has been cancelled on 14.10.2009. Consequent to this, in the year 2015 the negotiation for sale of the land belonging to Motilal Lodhi was done by the applicant with the purchaser/ the complainant and received the huge amount for consideration. When the complainant came to know about the fact of cancellation of power of attorney and the sale deed could not be registered, in that event also the applicant has not refunded the amount to the complainant. Hence, this is a clear case of cheating in which the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. After due consideration of the merits of the case, I am of the considered view that this is not a fit case for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi