

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 62 of 2017

- Krishna Kumar Rajwade S/o Motiram Rajwade Aged About 45 Years
Caste Rajwar, R/o Village Karji, Police Station Darima, District
Surguja, Chhattisgarh. --- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Nishi Kant Sinha, Advocate
For the Respondent	:	Mr. Anant Bajpai, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 632/2016 registered at Police Station Ambikapur Distt. Surguja (C.G) (C.G) for the offence punishable under Sections 120-B, 419, 420, 467, 468, 447, 388/34 of IPC.
2. As per the prosecution case, a report was made by one Rajesh Agrawal that he entered into an agreement with Mankunwar, widow of Radha Ram for purchase of land bearing Khasra No.259/1 admeasuring 0.466 hectares at village Sohaga and Rs.10 lakhs was fixed as sale consideration, out of which, earnest money of Rs.2 lakhs was paid to the said Mankunwar. When the sale deed was not executed, a notice was served by Rajesh Agrawal. At that time, it was revealed that one Kanti Devi was projected as seller Mankunwar by co-accused Janardhan Kushwaha and the present applicant Krishna Rajwade and the agreement

was executed and registered wherein the present applicant was one of the witness.

3. Learned counsel for the applicant would submit that he is merely a witness to the execution of agreement and has not committed any offence. He further submits that the applicant has neither identified any person nor has received any benefit in the transaction as a beneficiary, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents as also the statements of Arif Khan and Farid Khan
6. Taking into the role played by the applicant and the nature of evidence available against the applicant as also the fact that the charge sheet has been filed and the applicant is in jail since 16.09.2016, 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 in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**