

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8643 of 2016

Dilip Kumar Kaushik, S/o. Puniram Kaushik, Aged About 42 Years, R/o. Dhaneldih, Presently at Ward No. 26, Kawardha, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station Incharge, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. H.B.Agrawal, Senior Advocate with
Mr. U.R.Koshley, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.274/2016 registered at Police Station- Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Milan Yadav on 13.12.2016 that on 04.02.2013, the applicant entered into an agreement for sale of land bearing Khasra No.111/1 admeasuring 4.10 acre situated at Village Dhaneldih and sale consideration was fixed at Rs.24 Lakhs and an advance sale consideration of Rs.2 Lakhs was received by the applicant. Thereafter, the sale deed was not executed, instead the sale deed was executed in favour of one Amrika Bai; thereby fraud has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the dispute is of civil in nature and no allegation can be attributed against the present applicant as no criminality has been committed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, report and also the agreement. Considering the nature of dispute, which appears to be civil in nature and considering the evidence which are documentary in nature, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge