

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 279 of 2018**

Kanahiya Lal Chauhan Son Of Shri Shiv Kumar Chauhan, Aged About 36 Years R/o Pump House Colony, Korba, District Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Shukla, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2018**

Heard.

1. 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.803 of 2017, registered at Police Station – Kotwali Korba, District - Korba, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.12.2017 and he has been falsely implicated in this case. This applicant worked only as an agent of Sai Power City under the Proprietorship of the main accused Vinod Soni. The collection that was made by this applicant from the complainant was deposited with the main accused Vinod Soni. The applicant has not received any amount collected from the complainant and he is ready to abide by all the conditions that may

be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. According to the complaint filed in this case, the applicant has received similar deposits from numerous persons to provide them plot for construction in Sai Power City. The applicant and the co-accused Vinod Soni both were equally involved in the offence of cheating. Hence, it is prayed that the applicant is not entitled for grant of bail.

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

5. Complainant – Kamal Kumar Sajar filed a written complaint in P.S. Kotwali, Korba alleging that this applicant alongwith Vinod Soni came with a proposal of sale of plot in Sai Power City and getting induced, the complainant has paid in installments amount of Rs.4,00,000/-. Thereafter, the whereabouts of the applicant and the main accused was not known. Hence, this case.

6. Considering the material present in the case-diary and the facts that according to the documents present in the case-diary, there is one agreement entered between the applicant and the main accused Vinod Soni regarding the sale of plot; all the amounts received have been duly acknowledged with a receipt given by the main accused Vinod Soni; further, the applicant does not have any criminal antecedents and the charge-sheet has been filed, I am of the considered view that the applicant deserves to be released on regular bail.

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

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge