

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.162 of 2018

- Chandan Kumar Jha S/o Amarnath Jha, Aged About 34 Years Permanent Resident Of Near Moharabadi Maidan, Shanti Nagar, Stadium Ranchi, District Ranchi Jharkhand At Present Resident Of Lig 439, Deendayal Upadhyay Nagar, Charoda, Police Station Bhilai 3 District Durg Chhattisgarh , Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Bhilai Civil And Revenue District Durg Chhattisgarh , Chhattisgarh

---- Respondent

For Petitioner	:	Shri Purnendra Khichariya, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. The applicant in this bail application has been arrested in connection with Crime No.262 of 2017 registered in Police Station-Purani Bhilai, District- Durg (C.G.) for alleged commission of offence under Section 420, 406 of the IPC.
2. Case of the prosecution, in brief, is that the applicant falsely stating that he is having title and ownership of the land, obtained Rs.2,85,000/-from the complainant and later on, no sale deed was executed and upon enquiry, it was found that the applicant is not the owner of that property, but he is only property broker.
3. Learned counsel for the applicant would submit that the applicant is only a broker and token agreement was executed and later on, the complainant failed to execute the sale deed, by not depositing the remaining amount, therefore, the present is only a civil dispute. It is lastly submitted that the investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, therefore, the applicant may be

granted bail.

4. On the other hand, learned counsel for the State would submit that the agreement indicates that the applicant is the owner of the land, therefore, prima facie case is made out against the applicant. It is further submitted that the applicant is a resident of Ranchi (Jharkhand) and if bail is granted to the applicant, he is likely to abscond as also hamper the progress of trial.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the amount involved in the case and that the applicant is in jail since 07-08-2017 and investigation is complete and charge sheet has been filed, the application is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:

- (a) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (b) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

SD/-

(**Manindra Mohan Shrivastava**)

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