

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7695 of 2017

- Vinod Soni S/o Late Shri Lalji Ram Soni, Aged About 45 Years, R/o Santoshi Nagar, Pragati Vihar Colony, Raipur, Police Station Tikarapara, Raipur, Tahsil and District Raipur Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The District Magistrate, Raipur Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri A.K. Prasad, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court. The applicant has been arrested on 28-08-2017 in connection with Crime No.144/2012 registered at Police Station Golebazar Raipur, District Raipur, Chhattisgarh for the offence under Section 420, 467, 468, 471 & 120 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant worked as a broker, in dealing with the transaction between complainant Amin Khan and the land owner Kaushal Singh. The complainant had ascertained and enquired about the title of the land to be transferred and entered into an agreement, in which, co-accused Kaushal Singh received advance amount of Rs.8,00,000/-, whereas, this applicant has received only brokerage of the said transaction. Nothing has been done by this applicant so as to hold him responsible in commission of the offence as registered by the police against him. The applicant is in jail since 28-08-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant and two others misled the complainant about the real ownership of the land which was subjected to agreement for sale, and thus, have benefited from the amount received from the complainant regarding sale of the land, for which co-accused Kaushal Singh had no authorization to transfer it. Hence, no case is made out for grant of bail to the applicant.

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

5. As the case is, complainant Amin Khan intended to purchase the land/property, on knowing that the applicant and one another Vijay @ Vicky Dubey gave information about the land of one co-accused Kaushal Singh. An agreement to sale was executed between the complainant and Kaushal Singh, in which, this applicant is one of the signatory as witness and Rs.8,00,000/- was received by co-accused Kaushal Singh. Later on, the complainant came to know that the land was owned by some Punarath Sahu and the claim of co-accused Kaushal Singh was based on one agreement with Punarath Sahu regarding sale of the land. It was found by the complainant, that Punarath Sahu denied the execution of the said agreement with Kaushal Singh. Hence, FIR was lodged, on the basis of which, the case has been registered against this applicant.

6. Considered on the submissions made and contents of the case diary.

7. It appears that main accused in this case is co-accused Kaushal Singh, there is no specific statement in the statement of any of the witnesses in the case diary as to involvement of this applicant with respect to the agreement between Kaushal Singh and Punarath Sahu. In the present situation, as the main co-accused Kaushal Singh has been granted anticipatory bail by the coordinate Bench of this Court in MCRCA No.855/2014 vide order dated 06-04-2015, hence, looking to this development and the present circumstances of

this case, I am of this view that the applicant should be released on regular bail during pendency of the trial against him in the present matter.

8. Consequently, the application (MCRC No.7695/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge