

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7872 of 2017

- Elvin John, S/o Late Charlse John, aged about 58 years, Occupation- Government Service, P.H.E., Resident of Shanti Nagar Ward. P. S. Bodhghat, Jagdalpur, Tahsil-Jagdalpur, District-Bastar (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Kotwalli, Jagdalpur, District-Bastar, (Chhattisgarh).

---- Respondent

For Applicant : Mr. Avinash K. Mishra, Advocate.

For Respondent/State : Mr. Sanjeev Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/03/2018

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 have been arrested in connection with Crime No. 451/2017 registered at Police Station- Kotwali, Jagdalpur, District – Bastar (Chhattisgarh) for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The case against this applicant is of civil nature, being based on the agreement to sale of the landed property, which is alleged to have been breached by the applicant. He is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be

enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is habitual to enter into an agreement for sale of land as there are two previous agreements entered by him with the parties for the sale of the same land on 12.07.2015 and 19.05.2016. Hence his intention is clear to cheat the concerned parties by entering into agreements, hence, he is not entitled for grant of regular bail.
4. In reply learned counsel for the applicant submits that the previous agreements with the other parties by this applicant are not denied and it is submitted that all previous agreements have been legally terminated and no other parties have come forward to file any complaint against this applicant.
5. Heard both the parties and perused the case diary.
6. As the case is this, applicant entered into an agreement with the complainant- Sumit Kumar Agnihotri on 04.10.2016 in which he agreed to sell the land of his title for a price and received Rs. 11 Lakhs in advance. Subsequent to that this applicant stalled in execution of the registered sale deed in favour of the purchaser in the agreement, because of which FIR has been lodged.
7. Considered the contents of the case diary regarding the agreement, the case as argued being of civil nature is not without substance and the applicant is in jail since 25.11.2017 and he is a local resident of district Jagdalpur being employed as a government servant, for this reason, I am of this opinion that applicant should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita