

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1252 of 2018

- Durga Prasad Yadav S/o Shri Amoli Ram Yadav, aged about 42 years, R/o Ward No. 5 Chikhali, Police outpost-Chikhali, Police Station-Kotwali, Tahsil & District- Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- the Station House Officer, Police Station- Kotwali, District- Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate.
For Respondent/State	:	Mr. Vijay Bhadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/04/2018

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.495/2017 registered at Police Station– Kotwali, Police outpost- Chikhali, District– Rajnandgaon (C.G.) for the offence punishable under Sections 420 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 26.11.2017. After completion of investigation, charge-sheet has been filed. According to the case of prosecution, the applicant erroneously entered into the agreement with Praveen Kumar Yadav, who is son of complainant – Rajaram Yadav, for sale of the land bearing Khasra No.241/6 showing himself to be the owner of the said land and a sum

of Rs.1,01,000/- was obtained in advance by the applicant from the complainant and further a sum of Rs.4,11,000/- was also got transferred from the complainant to the accused in his bank account for registration of the said land but when the applicant refused to execute the registered sale deed in favour of the complainant because the land was already transferred and made efforts to return the advance amount through cheque, complainant has lodged the report. The cheque issued by the applicant in favour of applicant was dishonored. Hence, it a case of civil nature, 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 that this applicant was fully acquainted with this fact that the land has already been transferred by him in the year 2010. With criminal intents he entered into the agreement for sale with the complainant and received the amount by the complainant. Therefore, no case is made out for release him on bail.
4. Heard both the parties and perused the case diary.
5. The prosecution case has been briefly discussed hereinabove. On the basis of the agreement to sell between the applicant and the complainant, when the applicant refused to transfer the land by registered sale deed in favour of the complainant and instead of which, he presented the cheque for refund of amount, which was dishonored, then the complaint was made by the complainant against the applicant. Hence, this case.
6. After due consideration I am of this view that the trial is likely to take some time for its final disposal and no useful purpose would be served in detaining the applicant in jail, and considering the fact that applicant

is languishing in jail for the entire period of trial, hence, it appears to be a fit case where the applicant should be enlarged on bail.

7. 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge