

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5978 of 2017**

Dorelal Sahu, S/o. Shri Kanhaiya Lal Sahu, Aged About 30 Years, R/o. Village Bharda, Police Station -Gurur, District- Balod, Chhattisgarh. Presently Residing at Village - Aroud, Police Station, Tahsil and District Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station – Gurur, District - Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shikhar Bakhtiyar, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/01/2018**

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.184/2017, registered at Police Station – Gurur, District – Balod (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The questioned agreement on plain paper, which is referred in the written complaint

given by the complainant is not an agreement for sale, whereas it has been an agreement about the cancellation of agreement to sell and promise to refund the amount received from other party, hence no case is made out against the applicant. The applicant is in jail since 26.05.2017, the trial is likely to take sometime for its completion, therefore, it is prayed that the applicant may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant Malti Bai has lodged one written complaint alleging that applicant has sold his land to the complainant by executing the sale deed on stamp paper, whereas, the same land was earlier sold to Santosh Sahu by a written sale deed on plain paper on this information given, case has been registered.
6. Considered on the submissions made and the contents of the case diary. Sale deed dated 05.11.2016 is the part of the case diary. The arguments submitted by the applicant finds support from the contents of this agreement. Taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram