

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7300 Of 2017

Mohammad Neim, S/o. Mohd. Salim, Aged About 35 Years, R/o. Village Narayanpur, P.S. & Tehsil - Ramanujnagar, District -Surajpur, Chhattisgarh.

---- Applicant

Vs

State of Chhattisgarh, Through : Station House Officer, Premnagar, District Surajpur, Chhattisgarh

---- Respondent

AND

M.CR.C. No. 7534 of 2017

Jaan Mohammad, S/o. Peer Mohamamad, Aged About 50 Years, R/o. Village Narayanpur, Police Station and Tahsil Ramanujnagar, District -Surajpur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station - Prem Nagar, District -Surajpur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Surfaraj Khan & Mr. Raghavendra Verma, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/01/2018

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.52/2017, registered at Police Station – Prem Nagar, District – Surajpur (C.G.) for the offence punishable under Section 467, 468, 471, 420/34 of Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that both the applicants are land brokers and it was through them, a transaction for agreement to sale land was agreed upon between the complainant Nandlal Kewat, the purchaser and the owner of the land Santram. Complainant advanced some consideration for some part of the consideration to Santram. Later on Santram refused to execute the sale deed, therefore, a false FIR has been lodged against the applicants. It is submitted that the applicants are local residents and willing to abide all the conditions for grant of bail, they are in jail since 08.08.2017 and 11.08.2017 respectively, therefore, it is prayed that they may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the applicants defrauded the complainant and both of them personally obtained advance amount of Rs.21.00 lakhs in the name of agreement to sale of land. Hence, looking to the evidence against them, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. On perusing the statement of Santram, the land owner, it appears that case of the prosecution is not without substance, but considering this fact that there is no criminal antecedents of the applicant and that they are local residents, whose availability for trial shall not be compromised, if they, are released on bail, further after filing of charge-sheet their continuous detention in jail is not a requirement for these reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge