

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1576 of 2018

- 1. Vasudev Sahu, S/o Ramkumar Sahu, aged about 34 years, Resident of Near Bansal Petrol Pump, Ward no. 4, Police Station -Jamul, Nandani Road, Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station- Jamul, Durg, District- Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 1446 of 2018

- 1. K. jivnathan alias Jiva, S/o G.K. Nair, aged about 37 years, Resident of Laxmi Nagar, Jamul, Ward No. 3, Police Station- Jamul, Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station- Jamul, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendra Gupta, Advocate with Mr. Ravi Bhagat, Advocate.
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/04/2018

- 1. Since both bail applications arise out of the same crime number, they

are being disposed of by this common order.

2. Both applications are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 419/2017, registered at Police Station- Jamul, District -Durg (Chhattisgarh) for the offence punishable under Sections 420, 467, 468, 471, 201, 120-B and 34 of the Indian Penal Code (for short 'the IPC').
3. Learned counsel for the applicants submits that both the applicants have falsely been implicated in this case. The applicants are in jail since 18.08.2017. Charge-sheet has been filed after completion of investigation, no case is made out against the applicants on the basis of material present in the charge-sheet. The trial against them is likely to take some time before its completion, Hence, it is prayed that applicants be enlarged on regular bail.
4. Learned State counsel opposes the bail application submits that looking to the nature of offence levelled against the applicants, they are not entitled to be released on regular bail.
5. Heard both the parties and perused the case diary.
6. The case of the prosecution is that in this case a land was purchased by complainant - Shyamji Vastrakar through both these applicants and applicants received Rs. 2, 83,000/- for construction of house on the land purchased by the complainant. Subsequent to that in the inducement given by the applicants, the complainant sold the purchased land and raised construction on it to the third party and thereafter another agreement was entered for sale of one constructed house between the applicants and the complainant. When the complainant started residing in that house, he know that the house belonged to one Saista Khan to

whom the applicant Jivnathan had transferred earlier. On approaching the applicants, the applicants again induced the complainant and another agreement was entered into between the parties wherein the applicants received blank cheque from the complainant which was produced for payment of Rs. 5 lakhs in the bank and it was dishonored. After lodging of FIR, the case has been registered against both these applicants. Allegation was made against Avinash Chandrakar and Vasudev Sahu that the transfer of the land with construction was made by the complainant on the inducement given by these applicants.

7. Considering the entire material present in the case diary, it appears that the applicants do not have any criminal antecedent and the case is being prima facie against them is not ruled out for which they are facing trial but no purpose would be served if the applicants are kept in detention till conclusion of the trial. Both the applicants are local resident of District Durg and shall abide by all the terms and conditions imposed on them while granting them bail, I am inclined that applicants should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. of Applicants are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge