

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2353 of 2018

- Manoj Rajput S/o Jawahar Singh Aged About 40 Years R/o- Karmchari Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/04/2018

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 has been arrested in connection with Crime No.74/2018, registered at Police Station– Mohan Nagar, District– Durg(C.G.) for the offence punishable under Section 420 of Indian Penal Code (for short 'IPC') and Section 292(ग) of the Chhattisgarh Municipal Corporation Act, 1956.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 22.02.2018. No case is made out against him according to the case registered against him. The applicant has been working simply as broker, developer, colonizer & builder and in connection with his business he entered into agreement of sale with sellers Govind

Prasad, Pramila Bai, Shiv Prasad etc. who were the owners of the land which is subject matter of the agreement. Subsequent to that he has developed the land and after plotting the same has made sale of the plots to various persons. It has been done in pursuance of the business of the applicant which is not an offence and at the most it can be said that this applicant had not obtained sanction & permission from the Municipal Authority and that he had been not got the land diverted for the residential purposes. No offence of cheating is made out, hence, it is prayed that applicant may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that *prima facie* case is made out against this applicant for his prosecution in this case. This applicant has criminal antecedents of having been prosecuted under various provisions of Indian Penal Code. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to FIR registered against the applicant, a complaint was made to the Collector which was forwarded to the Commissioner of Municipal Corporation. After inquiry, the Commissioner lodged FIR against the applicant stating that this applicant had illegally plotted the lands and sold to number of persons. The land sold for residential purposes was also not diverted because of which the loss of Rs.1,70,0000/- has been caused to the State Exchequer as the land sold in such manner were not transferred by registered sale-deed. Hence, this case.
6. Taking into consideration all the material that is present in this case, the fact that no custodial interrogation of the applicant is required and

that further detention in this case appears to be without any purpose.

Hence, by imposing suitable conditions he can be released 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 him 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 him appearance as and when directed. It is made clear that the applicant shall not induce or influence any witness of the case acquainted with the facts of the case. He shall also co-operate with the investigation and make himself available for interrogation as and when required.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha