

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2236 of 2018

- Manoj Kumar Sharma S/o Late R.K. Sharma Aged About 45 Years Caste- Brahman, R/o- Prince Colony, Laxmi Nagar, Raipur P.S. Tikrapara, Tahsil & District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Darri, District- Korea, Chhattisgarh., District : Korba ,Chhattisgarh

---- Respondent

For Applicant : Mr. Arun Kochar, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

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

16/05/2018

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.43/2018, registered at Police Station– Darri, District– Korba (C.G.) for the offence punishable under Sections 420, 467, 468& 471/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 25.2.2018. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant. The complainant had actually sold a piece of land by co-accused Vinod Soni through a registered sale-deed. The allegation against this applicant is this, that he is responsible for

the offence committed the possession of the plot sold to the complainant has not been received by him, is baseless. Hence, it is prayed that applicant may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant and two others are the builders who have though transferred plots of land to number of persons but none of them has been provided with possession of the said plot of lands. Hence, looking to number of persons aggrieved in this case, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, complainant Dushyant Kumar Patel has lodged FIR that this applicant along with co-accused Vinod Soni and Ramesh Verma induced him to purchase a plot in their project. The complainant purchased the plot in installments. Subsequently a registered sale-deed was executed by co-accused Vinod Soni in favour of the complainant on 8.2.2017 but the possession has not been delivered to the complainant till date. On enquiry being made about the possession, the complainant came to know about the cheating committed upon them and therefore FIR has been lodged.
6. Considered on the material present in the case diary, it is not disputed that a piece of land has been transferred in favour of the complainant. It appears that there is some dispute regarding the possession, hence, there appears to be a glimpse of civil nature in this case because of which I am of this opinion that this is a fit case where applicant should be enlarged on regular 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

Nisha