

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2259 of 2018**

Smt. Sheela Verma, W/o. Shri Chandan Verma, Aged About 55 Years, R/o.-
Through -Rakesh Verma, In Front Of Mali Deepa Stadium, Raigarh, Tehsil
And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station Hirri, District- Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Otwani, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/05/2018**

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.91/2017, registered at Police Station – Hirri, District – Bilaspur (C.G.), for the offence punishable under Section 420, 467, 468, 471, 472 R/w. Section 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. Applicant is in jail since 14.11.2017. This applicant worked as mediator for sale of land between the complainant and the land owners. In oral agreement entered into between the parties in the year 2007, amount of Rs.58.00 lakhs was received by this applicant, which had been handed over to the vendors. As the registration of sale deed could not take place because of which, this applicant gave written undertaking on 30.06.2011 to the complainant. After sufficient delay, the FIR has been

lodged on 07.05.2017. Similarly placed co-accused Rakesh Verma has been granted bail, hence, it is prayed that the applicant may be enlarged on 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. As per the prosecution case, an oral agreement to sale was entered into between this applicant with the complainant Lalit Kumar Choursiya and an advance amount of Rs.58.00 Lakhs was received by this applicant. As the agreement could not be performed and on demand of refund this applicant gave written undertaking, but subsequent to that written complaint was filed on 22.11.2012 in the Police Station. The matter was pending for almost five years and the FIR has been lodged on 07.05.2017 on the basis of that complaint, offence has been registered against this applicant along with other co-accused persons.
6. Considered on the submissions made and the contents of the case diary. It is a case of failed transaction of sale of land. Looking to the nature of allegation against this applicant and that the case is presently before the trial Court and no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, hence for this reason, 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 her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram