

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.2551 of 2018

Jitendra Saraf S/o Shri Vijaychand Saraf, aged about 31 years, R/o 132, Matra Ashish, Gokulchandrama Mandir Road, Budapara, Raipur, Tahsil & District Raipur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. Police Station Kotwali, Tahsil and District Raipur (C.G.).

---Respondent

For applicant : Shri B.P.Sharma and Shri M.L.Sakat, Advocates.
For resp./State : Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.58/2018 registered at Police Station Kotwali Raipur, District Raipur (C.G.). for the offence punishable under Section 420 of IPC.
2. Present applicant is in jail since 20/02/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have entered into an agreement with six different persons in respect of the same property and agreed to sale the same property to each of the six persons. It is also the allegation against the present applicant that the present applicant is said to have projected himself

as the person who has inherited the said shop in the family partition and therefore he had the right to sell the same.

4. The counsel for the applicant submits that, the present applicant has been falsely implicated in the instant case and that the entire nature of dispute is nothing but a civil dispute between the two private individuals. He further submits that admittedly, the applicant got some money from the six persons with whom the alleged agreement has been shown. He further submits that since the present applicant could not repay the amount payable to all the six persons, they have played fraud with the present applicant and have entered into the alleged agreement by way of security with which the present applicant was to make repayment and having not done so, a complaint has been lodged against the present applicant. He further submits that even otherwise, the case of prosecution becomes doubtful for the reason that, all the six agreements entered into between different persons have been executed on stamp papers purchased from the same stamp vendor and the nature of wordings in the agreements also were almost similar and thus it stands established that the entire case of the prosecution is a false and fabricated case and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the present applicant has played fraud with six different individuals by accepting a huge amount of money by each of them on the pretext of selling the shop owned by his father which he has inherited by way of family

partition and have agreed to sell the said property to each of the said persons and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record particularly taking into consideration the fact that the present applicant has already remained in custody for a period of almost 2 ½ months and that the nature of dispute appears to be more of a civil and money dispute between the two groups, this Court is of the opinion that prima-facie a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit