

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2871 of 2018**

- Bheem Rakshit S/o Shri Nikhil Ranjan Rakshit, Aged About 44 Years R/o- Manesar, Haryana, Presently Residing At 43, Near Durga Badi, Tikrapara, Thana City Kotwali, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Amrito Das, Advocate
For Respondent/State	Mr. Satish Gupta, Government Advocate

Hon'ble the Vacation Judge**Order On Board****25/5/2018**

1. Heard.
2. This is an 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.474 of 2017, registered at Police Station City Kotwali, Bilaspur, District Bilaspur (CG) for the offence punishable under Section 420 of

IPC.

3. The case of the prosecution against the present applicant is that in the garb of selling the property of his uncle, he entered into an oral agreement with complainant Tushar Panse and in that course, he has also received an advance of Rs.14.5 lakhs. Subsequently, the present applicant is said to have sold the entire property to one Sanjay Singh.
4. Learned counsel for the applicant would submit that in fact, after the sale of the property to Sanjay Singh, the entire amount has been refunded to complainant Tushar Panse and most of the payments were made by cash transaction except for Rs.2 lakhs, which was paid by cheque. He would further submit that even otherwise, a case under Section 420 of IPC is not made out against the applicant as the nature of allegations itself would reveal that it is a civil dispute between the parties. Thus, the present applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He would submit that the present applicant is said to have defrauded the complainant of Rs.14.50 lakhs and subsequently, has refused to honour the agreement entered into between the parties.
6. Taking into consideration the facts and circumstances of the case and also considering the fact that the applicant is in jail since 31.3.2018 i.e. for a period of about 2 months, this Court is of the opinion that present is a strong case to release the

applicant on regular bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

(P. Sam Koshy)
Vacation Judge

Shyna