

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 3273 of 2018**

Deepak Nair S/o Shri Ravindran Nair Aged About 34 Years R/o- Housing Board Colony, Saddu, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Prasoon Agrawal, Advocate.  
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****03.07.2018**

Heard.

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.142 of 2017, registered at Police Station – Telibandha, District – Raipur, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 04.03.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed. Similarly placed co-accused – Anuradha Soni has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 554 of 2018, vide order dated 22.03.2018. The dispute between the applicant and

the complainant is purely a case of civil nature. The deal between the applicant and the complainant was made about the delivery of house property to the complainant for which the applicant has made the repayment of the amount received from the complainant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are similar complaints against the applicant about having cheated three other persons with false promise to transfer the lands and house property and receiving huge amounts from them. The applicant is a habitual offender and no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the case against the applicant, the applicant entered into an agreement with complainant – Srinivas for sale of plot in a project, namely, Avinash Capital Homes Phase-II and on different dates the applicant had received an amount of Rs.8,60,000/- from the complainant but the plot was not transferred in the name of the complainant. On that basis, FIR has been lodged and the case has been registered against the applicant.

6. Learned counsel for the applicant submits that the applicant has made this proposition that he is ready to repay all the amount received from the complainant as the deal has failed between them and this statement is taken on record. The details about the other aggrieved persons which have been

brought up by the State counsel does not show any registration of separate FIRs or any other complaints against the applicant. Hence, under these circumstances, I am of the considered opinion that the applicant deserves to be released on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on 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 his appearance as and when directed.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge