

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.3386 of 2018**

Smt.Jayanti Bhatiya, wife of Shri Jitendra Bhatiya, aged about 50 years,  
resident of H.No.76, Flourence City, Sejbahar, Raipur, District Raipur  
(CG)

---Applicant

**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station  
New Rajendra Nagar, Raipur (CG)

---Non-Applicant

|                   |   |                                                     |
|-------------------|---|-----------------------------------------------------|
| For Applicant     | : | Mr.B.P.Sharma and Mr.Vivek Shrivastava,<br>Advocate |
| For Non-applicant | : | Mr.Gary Mukhopadhyay, Govt.Advocate                 |
| For Objector      | : | Mr.Rahul Sharma, Advocate                           |

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**09/07/2018**

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.26/2018, registered at Police Station-New Rajendra Nagar, Raipur, District-Raipur (CG), for the offence punishable under Sections 420 & 120B/34 of the IPC and 138 of the Negotiable Instruments Act.

2. Case of the prosecution, in brief, is that complainant-Ashok Kaushal has lodged a written report to the Police Station stating that he has booked a plot of land admeasuring 1300 sq.ft. in Gulshan Vatika colony situated at Sejbahar, Raipur developed by Adhiraj Developers for a sum of ₹ 9,16,000/- and paid ₹ 3,84,000/- to Adhiraj Developers through cheques, but Adhiraj Developers did not register the plot in his name and

given post dated cheques, which have been dishonored by Adhiraj Developers and thereby committed the offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. The applicant is not Director of Adhiraj Developers and she is Director of Adhiraj Infra Estate Pvt. Ltd., Bilaspur. The dispute is only of civil dispute/consumer dispute and there is no colour of criminality. The police himself has investigated the matter and found no material against her. She has filed an application before the National Company Law Tribunal, Mumbai Bench, Mumbai for compromise between the customers and the company in which the National Company Law Tribunal has passed the order dated 13.11.2017 and the matter is pending consideration before that Court. Charge-sheet has been filed, she being a woman aged about 50 is in jail since 4.2.2018 i.e. for more than 5 months and no useful purpose will be served by detaining her in jail.

4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the bail application and submit that persons involved in Adhiraj Developers and Adhiraj Infra Estate Pvt.Ltd. are one and same and jointly they have cheated the complainant and other persons.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. It is correct to say that the complainant is said to have purchased a plot from Adhiraj Developers and when plot was not

registered in his favour, Adhiraj Developers is said to have issued the cheques which have been dishonored. It is not the case of the prosecution that the applicant has obtained money from the complainant, but did not register requisite deed and returned the amount through cheques which have been dishonored.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, other material available on record, nature of dispute pending between the parties and the applicant being a woman aged about 50 years is jail for more than 5 months, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 1,00,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-