

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4024 of 2018

- Utpal Bhattacharya S/o Late S.K. Bhattacharya Aged About 47 Years, R/o Shubham Vihar, Awanti Vihar, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh (name of the applicant is wrongly mentioned in the impugned bail rejection order as Utkal Bhattacharya)

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Telibandha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Pali, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Shri Rajesh Tiwari, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-05-2018 in connection with Crime No.242/18 registered at P.S. - Telibandha, District Raipur, Chhattisgarh for the offence under Section 420, 506/34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 02-05-2018. Investigation in this case is still not completed. The offence that have been registered against this applicant are triable by the JMFC. This applicant does not have any criminal antecedent and he is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is sufficient evidence against this applicant for his being prosecuted and secondly that the investigation is still going on, hence, for

these reasons, the application may be rejected.

4. Learned counsel for the objector submits that this applicant is influential person and his family members are presently approaching the complainant and others to influence them and making proposition for compromise, hence, he has capability to tamper and influence the witnesses as well, because of this reason, the application should be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the applicant is a land broker and on his advice complainant Kanchan Banerjee purchased a plot in the year 2013 from Shri Grih Nirman Sahkari Samiti Maryadit Raipur. The sale was registered in the year 2015. The allegation in the complaint made by the complainant is this, that when he approached for mutation of the land in his name in the Government records, that was refused and on enquiry it was found that the vendor of the land Vijay Tiwari denied receiving the consideration amount. Statement of the complainant is this, that he had handed over the consideration amount to this applicant which was not transferred to the vendor of the land and on approaching this applicant, the complainant was threatened by co-accused Kabir at gunpoint. Hence, the FIR was lodged.

7. In reply, counsel for the applicant submits that owner Vijay Tiwari has filed an affidavit before the court below submitting that he has received all the payment from this applicant, mention of filing this affidavit is present in the order passed by the court below rejecting the bail application of this applicant.

8. After due consideration on the material present in the case diary and looking to the nature of dispute between this applicant and the complainant, I am of this view that this is a fit case for grant of bail to the applicant.

9. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the

applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil