

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4164 of 2018

1. Dinesh Kumar Pal S/o Khem Singh Pal, aged about 34 years, R/o Village Salhetola, Police Station Gaiadatola, Tahsil Churiya, District Rajnandgaon, CG
2. Ishwar Kumar S/o Prem Singh, aged about 45 years, R/o Village Chikhali, Police Station Ambagarh Chowki, District Rajnandgaon, CG

Present address – Shukrawari Bazar, Gudhiyari Raipur, Tahsil and District Raipur, CG

---- Applicants

Versus

1. State of Chhattisgarh through District Magistrate, Durg, CG

---- Respondent

For Applicant	-	Shri Pravin Dhurandhar, Advocate
For State	-	Shri Vivek Sharma GA

Order on Board by Hon'ble Shri Justice Pritinker Diwaker

02/07/2018

This application under Section 439 of the Code of Criminal Procedure has been filed by the applicants who are in custody in connection with Crime No. 22/2018 registered at Police Station Durg, for commission of the offence punishable under Sections 406/34 IPC.

2. Case of the prosecution in short is that applicant Dinesh Kumar Pal had purchased some land from complainant Usha Bai for a consideration of Rs. 7,80,000/- and part payment was also made to her. After execution of the sale deed, complainant has alleged that she has not received the full payment.

3. Counsel for the applicants submits that the allegation against applicant Ishwar Kumar is that he just acted as a mediator. He further submits that the nature of dispute is civil but it has been converted into

criminal one just to pressurize the applicants and grab money. According to him, as the applicants are in jail since 21.5.2018, that the offences alleged against them are triable by Magistrate and that the charge-sheet has been filed, they may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, that the offences alleged against the applicants is triable by Magistrate and that they are in jail since 21.5.2018, this Court is of the opinion that it is a fit case to release them on bail. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for their appearance before that Court as and when directed.

Sd/-

(Pritinker Diwaker)

Judge