

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4189 of 2018**

1. Yashdeep Singh Tuteja, age 22 yers, S/o Late Harjeet Singh,

2. Gurpreet Singh Tuteja, age 21 years, S/o Late Harjeet Singh,

Both are resident of near Gurukripa Provision Store, Mahaveer Nagar, P.S. Rajendra Nagar, Raipur, District – Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station – New Rajendra Nagar, District Raipur (C.G.)

----Respondent

For Applicants	:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant/State	:	Mr. Ratan Pusty, Govt. Advocate.
For Objector	:	Mr. Akash Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

04/07/2018

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 92/2018 registered at Police Station New Rajendra Nagar, District Raipur for the offence punishable under Sections 420 & 120 (B) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicants executed agreement to sell in favour of complainant Mohit Ram Kaiwartya on 2.1.2018 for selling the land for a cash consideration of Rs.30,11,000/- and obtained Rs. 13,38,000/- but did not execute the sale deed in favour of the complainant and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that the applicants are innocent person and they have falsely been implicated in the crime in question. He further submits that the dispute arose between the parties is of civil nature and the complainant ought to have filed civil suit for recovery of amount or specific performance of the contract, that has not been done and the civil dispute has been tried to be converted into the criminal offence. He also submits that the applicants are in jail since 17.05.2018 and, therefore, the applicants are entitled to be released on bail.

(4) On the other hand, counsel for the State and Objection would submit that prior to the execution of sale deed on 2.1.2018, the land has already been mortgage in favour of Samadhan Finance Institution, as such, the applicants are not entitled to be released on bail.

(5) Taking into consideration the nature and gravity of the offence, facts & circumstances of the case, and further considering the facts that applicants are in detention since 17.05.2018 and considering the fact that dispute arose between the parties is said to be civil in nature, this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

