

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4517 of 2018

- Murari Lal Sahu S/o Shri Yadram Sahu, Aged About 53 Years, R/o- Professor Colony, Sector 01, Street No. 02, H. No. 131, Shakti Temple, Bhaiya Talab, P.S. Purani Basti, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Aamanaka, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri J.K. Gupta, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Shri D.K.Gwalre, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2018

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 21-05-2018 in connection with Crime No.115/2018 registered at P.S. - Aamanaka, District- Raipur, Chhattisgarh for the offence under Section 420, 467, 468, 471, 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 21-05-2018. No case is made out against him. In fact, the applicant had been power of attorney holder of Micro Construction Pvt. Ltd. Company and in that capacity he has entered into an agreement with the complainant company for sale of land. The dispute between the applicant and the complainant is of civil nature. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence regarding commission of offence of cheating and fraud committing by this applicant, hence, he is not entitled for

grant of bail. He represented before the complainant that he is owner of the land in question and entered into the agreement of sale and received the amount.

4. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that if the applicant is granted bail, then the complainant shall be remediless and there shall be no occasion to realize money that has been lost in giving advance to the applicant. Hence, it is prayed that the application may be rejected.

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

6. The case against the applicant is this, that he entered into an agreement for sale of 2.94 acres of land in Village Khiloura to complainant Deep Garud , Director of M/s. Royal Vintrade Company and received the amount of Rs.5,00,000/-. Later on, it was discovered by the complainant that the land belongs to other farmer who has not authorized the applicant to enter into such agreement. Hence, this case.

7. Considering on the material present in the case diary. The case is still under investigation and as it appears that no purpose would be served if the applicant is kept in continuous detention till completion of the investigation and conclusion of the trial, I feel inclined to grant regular bail to this applicant.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge