

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4788 of 2018**

- Shiv Prasad Soni S/o Shri Mahesh Prasad Soni Aged About 52 Years R/o- Village Lingiyadih, Rajeev Vihar P.S. Sarkanda, District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station Sarkanda, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anand Mohan Tiwari, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/09/2018**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25.05.2018 in connection with Crime No.254 of 2017 registered at Police Station Sarkanda (CG) for the offence punishable under Sections 419, 420, 467, 468, 471 & 120-B IPC.
2. As per the prosecution case, a complaint was made by one Janardan Gupta that he agreed to purchase a land bearing Khasra No.1877/1 situated at village Mopka admeasuring area 0.33 acres and an amount of Rs.10 Lakhs was paid, thereafter, the applicant sold the said land to the other persons in between June to July, 2015, thereby the fraud was committed.
3. Learned counsel for the applicant submits that the applicant has acquired much

more land from B. Project and part of the land was agreed to sold to Janardan Gupta but the sale consideration and the condition did not mature, therefore, the sale was not executed. He further submits that after the sale transaction and the sale consideration also returned back and the cheque having been presented in the bank it was bounced, therefore, no offence has been committed. He further submits that the charge-sheet in this case has been filed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel vehemently opposes the prayer for grant of bail.
5. Perused the documents and the case-diary. All the documents and the evidence appear to be documentary in nature. Considering the same and the facts and circumstances of the case and further taking into that the charge-sheet in this case has been filed and the applicant is in jail since 25.05.2018, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu