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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4521 of 2018

- Raspal Singh S/o Late Shri Surta Singh Aged About 40 Years R/o- House No. D-18, Rama Life City, Police Station- Chakarbhatha, District- Bilaspur, Chhattisgarh, Officer Address- Arshdeep Buildcon Private Limited, 27 Kholi, Vikash Nagar, House Of Dr. S.S. Bajpai, Police Station- Civil Line Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

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MCRC No. 3757 of 2018

- Raspal Singh S/o Late Shri Surta Singh Aged About 41 Years R/o- House No. D-18, Rama Life City Bilaspur, Chhattisgarh, Office Address- Arshdeep Buildcon Private Limited, 27 Kholi, Vikash Nagar In The House Of Dr. S.S. Bajpai, Bilaspur, Police Station-Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station-Civil Line Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rishi Rahul Soni, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2018

1. Above bail applications are being heard and decided together by this common order as they arise out of similar type of offence committed by the applicant.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.174/2017 in MCRC No.4521/2018 registered at Police Station Sarkanda, District – Bilaspur(C.G.), for the offence punishable under Sections 417 & 420 of the Indian Penal Code and in connection with Crime No.139/2017 in MCRC No. 3757/2018 registered at Police Station Civil Lines Bilaspur, District – Bilaspur (C.G.), for the offence punishable under Section 420 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 23.2.2018 in connection with Crime No.174/17 and since 1.3.2017 in connection with Crime No.139/17. Presently, both the cases are pending before the trial Court and both the cases have made no progress. The dispute between the applicant and the complainant in both the cases is of civil nature as the applicant has just failed to

perform his part of contract entered into with the complainant for which civil remedies are available. Hence, it is prayed that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that there is clear evidence against this applicant that he has misappropriated the amount received from the complainant in both the cases. Hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution case in brief are that :-
 - Crime No.174/2017 (M.Cr.C. No.4521/2018) was registered on the complaint of complainant Chetan Kumar Thawait to the effect that this applicant helped him in obtaining loan of Rs.7,50,000/- from Fultron Bank. After deduction of the processing fees, a sum of RS.7,23,000/- was disbursed and deposited in the bank account of the applicant and the same has been withdrawn by the applicant. Further, a cash of Rs.35,000/- was also paid by the complainant to the applicant. Though the applicant has assured the complainant that he will not only construct his house but also repay the loan amount, however, neither the house was constructed nor the loan was repaid. Hence, the FIR has been lodged.
 - Crime No.139/2017 (M.Cr.C.No.3757/2018) was registered at Police Station Civil Lines Bilaspur on the complaint of complainant Uttam alleging that he entered into an agreement with this applicant under which the applicant has agreed to construct a

house. An advance amount of Rs.5 lakh has also been paid to the applicant for the said purpose. However, when the applicant failed to perform his contractual obligation, FIR was lodged in this case.

7. Considered on all the material present in the case diary, particularly the fact that the applicant is languishing in jail since 1.3.2017 and the trial against this applicant is likely to take some time, I am of this opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha