

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4826 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.265 of 2017 registered at Police Station Sarkanda (CG) for the offence punishable under Sections 420, 506 IPC.
2. As per the prosecution case, a complaint was made by one Saket Soni that he entered into an agreement of purchase of land in the year 2014 and two agreements were made one on 28.03.2014 and the second on 27.07.2015 and the land was agreed to be sold to Manish Soni, Saket Soni and Arti Soni and an amount of Rs.21,50,000/- was already paid and some part of the amount was paid in cash and some was paid by way of cheque, though the agreement was there to sale the land uptill April, 2014 but no registry was done, thereby the

fraud was played on the complainant, therefore, the report was made in the year 2017 and the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that it is a case of pure civil transaction though the agreement was entered into but the complaint is that no sale deed was executed and the condition of the sale deed did not mature. The consideration was paid back and the cheque which was given by the complainant was used in some other transaction and it is camouflage in second transaction. 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 and submits that the agreement was executed to sale the land till September, 2015 but before that in the year 2014 the sale of the same land was already made and they did not sale the land to the complainant.
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