

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4954 of 2018**

Madan Lal Agarwal S/o Shri Balak Ram Agrawal Aged About 36 Years R/o Sakin Village Jagraha Korkoma, Police Station Balco Tehsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Balco District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.K. Prasad, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2018**

Heard.

1. This is the first bail application 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. 157 of 2018, registered at Police Station Balco, District Korba, Chhattisgarh for the offence punishable under Sections 420/ 34 and 120(b) of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.6.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant was not a party to the transaction between the co-accused and the complainant. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The case of the prosecution is that complainant – Jakhir Hussain and co-accused – Shiv Prasad entered into an agreement for sale of land on 13.5.2016. As the applicant was not party to the agreement to sale, did not perform that part. Subsequently, the land was sold to co-accused – Shiv Prasad and to the wife of the applicant on 9.2.2018. The allegation is that the co-accused has not returned the amount taken by the complainant.

6. After due consideration of all the material present on record, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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 her appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge