

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4905 of 2018**

- Goju Paul S/o Late Khaldas Paul Aged About 53 Years R/o In Front Of Falas Builders , Laxmi Nagar, Police Station Tikrapara Pachpedhinaka, Raipur Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Civil Lines, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/08/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.397/2018, registered at Police-Station-Civil Lines, District-Raipur (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant was just an intermediary in the transaction

of sale between the complainant and co-accused Nand Kishore Sahu. He is not recipient of the amount of consideration. Applicant is simply a broker. Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant is Director of R.D. Builders and co-accused Nand Kishore is also one of the Director. Both of them have knowing well that the land in question was not available for sale, made the sale in favour of the complainant, hence, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is this, that with the assistance of applicant, complainant Ishwari Dewangan made a purchase of one plot from Nand Kishore Sahu. Later on, it was found that the land sold to the complainant was not found on the spot and therefore FIR has been lodged.
6. Considering the entire material present in the case diary, the fact that applicant does not have any criminal antecedent and further considering that the case is triable by Judicial Magistrate First Class, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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