

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5286 of 2018

Shiv Prasad Singh S/o Shri Marjaad Singh Thakur Aged About 53
Years, Caste Rajput R/o Aara Machine, Azad Chowk Niharika
Korba Tahsil & District Korba (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through Police Station-Balco, District
Korba (C.G.)

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate
For State : Mr. Sameer Behar, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/07/2018

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant for grant of regular bail, who has been arrested on 02.05.2018 in connection with Crime No. 157/2018 registered at Police Station- Balco, District- Korba (C.G.), for the offence punishable under Section 420 read with Section 34 of IPC.
2. Case of the prosecution is that the applicant and complainant entered into an agreement for selling of land bearing Khasra No. 415/1 GA admeasuring 0.024 hectare and the applicant took earnest money of Rs. 4,00,000/- from him but in place of executing the sale deed, he issued a notice to the complainant that his earnest money of Rs. 4,00,000/- is seized by him.
3. Learned counsel for the applicant submits that it is a case of civil nature for execution of sale deed for the land mentioned in the agreement and there is no criminal act on the part of the applicant therefore, the applicant should be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. The issue between the parties is regarding earnest money of Rs. 4,00,000/- which was given to the applicant by the complainant. Learned counsel for the applicant agreed to file an application before the trial court that he is willing to pay Rs. 4,00,000/- to the complainant.
6. In view of the above, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.
7. It is made clear that if the applicant will not file an application before the trial court stating that he is willing to return the amount of Rs. 4,00,000/- to the complainant for compounding of offence till 17th September, 2018, the bail granted to him shall stand cancelled.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge