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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5197 of 2018**

Vinod Soni S/o Late Shri Lalji Ram Soni Aged About 45 Years At Present R/o Podibahar Road, Thakur Chal, Korba, Tehsil And District Korba, Chhattisgarh, Permanent R/o Santoshi Nagar, Pragati Vihar Colony, Raipur, Police Station Tikrapara , Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station City Kotwali, 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****13.08.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 13.7.2018 in M.Cr.C. No. 3165 of 2018. The applicant has been arrested in connection with Crime No.803 of 2018, registered at Police Station – City Kotwali, District Korba, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.02.2018 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. At the most, the case that would be against the applicant for non-performance of his part in the contract for which a civil

remedy is available. 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. It is submitted that the applicant happens to be the main accused in this case and has received all the benefits of the fraudulent agreement that he entered with the complainant in this case. It is further submitted that a similar nature of offence has been registered against him. Hence, no case is made out for grant of regular bail to the applicant.

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

5. Complainant – Kamal Kumar Sagar has filed a complaint stating that an agreement was entered with the applicant on 5.4.2014 for purchase of a plot in Sai Power City, Korba and an advance of Rs.4,54,000/- was received by the applicant. Subsequent to that, the land was not transferred to the complainant, hence, he has lodged FIR against the applicant.

6. Taking into consideration all the material present in the case-diary and after due consideration of all the aspects of this case, I am of the considered opinion that the applicant deserves to be released on 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 his 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

Nimmi