

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5305 of 2018

- Shashank Nirwani S/o Shiv Kumar Nirwani, Aged About 45 Years, R/o Ward No.15, In front of Tulsipur Masjid, P.S. Kotwali, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Raipur District Raipur Chhattisgarh, Chhattisgarh

---- Non-applicant

MCRC No. 5307 of 2018

- Shashank Nirwani S/o Shiv Kumar Nirwani, Aged About 45 Years, R/o Ward No.15, In front of Tulsipur Masjid, P.S. Kotwali, Dist. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri B.D.Guru, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2018

1. As in both these applications the applicant is same, they are decided by this common order.

2. These are first bail applications filed before this Court by the applicant under Section 439 of the Cr.P.C. for grant of regular bail. In MCRC No.5305/2018 the applicant has been arrested on 01-05-2018 in connection with Crime No.46/2017, registered at Police Station Civil Lines, District Raipur, C.G. for the offence under Section 420 of the IPC. In MCRC No.5307/2018 the applicant has been arrested on 01-05-2018 in connection with Crime No.538/2016, registered at Police Station Civil Lines, District Raipur, C.G. for the offence under Section 420 of the IPC.

3. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 01-05-2018. No case is made out against him. The fact is this that the applicant had entered into a civil transaction with the complainant in both the cases and for the reason that the applicant has failed in performing his part, the false allegation has been made against him, hence, it is prayed that the applicant may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. In Crime No.538/2016 complainant is Ravi Verma who has alleged that the applicant who is a builder had entered into an agreement with him for providing a piece of land along with constructed house in which he received Rs.14,75,000/-. The owner of the land has made a refund of Rs.6,00,000/- to the complainant for the reason that the transaction was terminated by him and this applicant has made no refund of the remaining amount to the complainant. In Crime No.46/2017 complainant is Mohsina Khanam who has alleged that she entered into an agreement with this applicant for getting a land and constructed house at the price of Rs.25,00,000/- and paid an amount of Rs.4,70,000/- in advance to the complainant. The transaction has been terminated and no refund was made by this applicant to the complainant.

7. Considered on all the material present in the case diary. It is not denied that this applicant is a builder in business of constructing house and providing plots for construction of house. The transaction and the agreement between the parties is recorded, in which the parties aggrieved also have the remedy available before the Civil Court. Hence, for these reasons, I feel inclined to grant regular bail to this applicant in both the cases.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is

directed that the applicant shall be released on bail on his furnishing in each case a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil