

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5590 of 2018**

Tamesh Agrawal S/o Shri Krishna Kumar Agrawal Aged About 37 Years R/o- Durpa Road, P.S. Korba, District- Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.C. Verma, Advocate appears on behalf of Shri Sandeep Dubey, Advocate
For the State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**21/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 505/2018 registered at Police Station Kotwali-Korba, District Korba (C.G.) for the offence punishable under Sections 420,34 of IPC.
3. Case of the prosecution, in brief is that applicant and co-accused Rakesh Vishwakarma executed the sale agreement with the complainant Govind Kukreja on 24/11/2014 regarding the land bearing Khasra No. 3/1 (ढ़)/3 ad-measuring 0.10 decimal situated at village Korba. They received Rs.6 Lakhs from the complainant and did not executed the registered sale-deed in favour of the complainant, thereafter complainant lodged FIR.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, charge-sheet has been filed and applicant is in custody since 24/07/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that one criminal case has been already registered against the applicant under Section 419, 534 of IPC and 66 ष of I.T. Act.
6. As per the true copy of the affidavit executed by the complainant Govind Kukreja, applicant and co-accused Rakesh Vishwakarma had compromised the matter.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time and applicant is in jail since 24/07/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge