

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6020 of 2018

Nohar Singh Sonwani S/o Shri Kripal Singh Sonwani Aged About 59 Years R/o-
Nearby Dayanagar, Shivnagar, Durg, Police Station, Tahsil And District- Durg,
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through- District Magistrate, Durg, District- Durg,
Chhattisgarh

---- Respondent

For Applicant	: Shri Tarendra Kumar Jha, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 139/2017, registered at Police Station – Durg, District – Durg (C.G.) for the offences punishable under Sections 420, 34 and 120-B of the IPC.
2. As per the prosecution story, the applicant gave inducement to the complainant Rajesh Shukla in the year 2015 that a plot belonging to one Subha wife of Suresh is available for sale and land owner is also agreed to sale the land at rate of 1600/- sq. ft., whereas the actual market price of the land is Rs. 2500/- per sq. ft. He further give proposal to the complainant that after purchasing the said land they will sale it out at a higher rate and distribute the profit between them. On the said inducement, complainant gave total Rs. 16,00,000/- to the applicant between 17.11.2015 to 14.10.2016. It was further alleged that at one occasion Rs.1,50,000/- was given by the complainant to the woman namely Subha who was shown as the land owner. Subsequently, complainant came to know about the fraud committed as the land in question did not belong to said Subha. Thereafter, FIR

has been lodged against the applicant and after completion of the investigation charge sheet has been filed and Trial is going on. The applicant has been arrested on 03.03.2017.

3. Shri T.K. Jha, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that three other co-accused persons have already granted benefit of bail and the applicant is in custody since 03.03.2017, charge sheet has been filed and trial will likely to take some more time, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application that though other 3 co-accused have been released on bail but the present applicant is the main accused who has committed the fraud with the complainant, therefore, his bail application be rejected.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution, detention period of the applicant and the facts the applicant is in custody since 03.03.2017 and other co-accused have granted benefit of bail, charge sheet has been filed, therefore, trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge