

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6223 of 2018

Ajay Kurre S/o Shri Narayan Prasad Kurre, aged about 36 years R/o nearby Maroda tank, Bhilai, Tahsil and District Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station, Civil lines, Raipur, District- Raipur (C.G.)

---- Respondent

AND

MCRC No. 6588 of 2018

Laxman Soni, aged about 40 years, S/o Late Shankar Rao Soni, R/o Lilly Chowk, Purani Basti, Raipur, Chhattisgarh, Mobile No. 8319329260

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station, Civil lines, Raipur, District- Raipur (C.G.)

---- Respondent

For Applicant (in MCRC 6223/2018) :	Mr. T.K. Jha, Advocate
For Applicant (in MCRC 6588/2018) :	Mr. Rajesh Kumar Tiwari, Advocate
For Respondent :	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/09/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in

connection with Crime No. 513/2018 registered at Police Station- Civil Lines, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 34 of the IPC.

3. As per prosecution story, on 26/07/2018 complainant- Gahuhar Ali made a report in the police station alleging therein that applicant- Ajay came to him and expressed his desire to sale his land situated at village- Umariya, Raipur, He showed him agreement of sale of the said land executed by Sandeep Gupta in his favour. Relying upon the conduct of the applicant, the complainant entered into an agreement for purchasing of said land and paid him an advance of Rs. 3,00,000/-. It is alleged that applicant- Laxman was the witness of the said agreement. Later on, it was found that the original land owner never sold the land to Sandeep Gupta and the complainant realized that a fraud has been played against him. Thereafter, he made a report. On the basis of the said report, offence has been registered.
4. Learned counsel for both the applicants submit that the applicants are falsely implicated in the present case. The land in question belongs to Anil Gurnani and Rakesh Gurnani. Initially, both the land owners executed an agreement to sale the land in favour of Sandeep Gupta. Thereafter, Sandeep Gupta made an agreement to sale in favour of applicant- Ajay Kurre and on the basis of that bonafidely applicant- Ajay entered into an agreement to sale with complainant- Gauhar Ali. At that time, applicant- Ajay was not having the knowledge that the agreement executed in favour of Sandeep Gupta was fraud. When Anil Gurnani and Rakesh Gurnani raised an objection and published the same in newspaper in Navbharat on 30/07/2017 stating that they

have not sold the land in question. After coming to know about the said objection, applicant- Ajay Kurre himself felt cheated and made a report in the police station on 02/08/2018. He further submits that applicant- Ajay is a bonafide purchaser and himself is a victim of fraud.

5. Mr. T.K. Jha, Counsel for applicant- Ajay Kurre also submits that applicant- Ajay and complainant- Gahaur Ali has already settled their matter out of court and the complainant has already obtained advance amount of Rs. 3 lakhs from him. Therefore, no grievance remains between both of them. In these circumstances, he prays for grant of bail to the applicant.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
7. I have heard learned counsel for both the parties.
8. Considering the above facts and circumstances of the case, particularly considering that applicant- Ajay and complainant- Gahaur Ali has already settled their matter out of court and the complainant has already obtained advance amount of Rs. 3 lakhs from him, applicant- Ajay is in custody since 27/07/2018 and applicant- Laxman is in custody since 26/07/2018, charge-sheet has been filed and the trial will likely to take some time to conclude, without further commenting on merit of the cases, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.20000/- with one local

solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

Judge
Arvind Singh Chandel

Rahul