

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6344 of 2017**

Chandraprakas Kurey, S/o. Shri Mohardas Kurey, Aged About 30 Years, R/o. Village -Beltukri, Thana-Kharora, Tahsil -Tilda, District -Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station In Charge, Police Station-Civil Line, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kishore Bhaduri & Mr. Pawan Kesharwani, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.373/2017, registered at Police Station – Civil Line, District – Raipur (C.G.) for the offence punishable under Section 420, 409 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was power of attorney holder on behalf of the property owner Smt. Shanti Paikara and Kishore Paikara. It was on the basis of this power of

attorney, applicant sold out the property belonging to them and received the amount of consideration in his own account. Applicant has paid all the amount received except Rs.5.00 lakhs, which he has retained for the service provided and for the expenses incurred in getting the sale done. Applicant is in jail since 03.06.2017, charge-sheet has been filed after completion of investigation and trial is likely to take some for its completion. Therefore, it is prayed that the applicant be released 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 as per the allegations against him that he has influenced and induced the complainant to obtain power of attorney and has misappropriated the amount received from the sale of the properties of the complainant. Therefore, he is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the applicant in the capacity of power of attorney holder of the complainant – Shanti Paikara and Kishore Paikara sold out the property belonging to them and received all the amount in his own account. It is alleged by the complainant that no amount has been paid to them from the sale proceeds by the applicant.
6. Considered the submissions made and the contents of the case diary. The account statement of the applicant shows deposits as well as withdrawal of the amount and applicant is also relying on the affidavit given by Shanti Bai, which is antedated to the lodging of FIR.

Considering all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge