

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7535 of 2018**

Babar Khan S/o Shri Samiulla Khan, Aged About 43 Years, R/o Behind Shradhanand School, Santoshi Nagar, Police Station Tikrapara, District Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gole Bazar, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vimlesh Bajpai, Advocate
For Respondent/State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/10/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 10.03.2018 in connection with Crime No. 93/2018 registered at Police Station - Gole Bazar, Civil and Revenue District Raipur (CG) for the offence punishable under Sections 420 & 201 of IPC.

2. The case of the prosecution against the present applicant is that the applicant is said to have obtained an amount of rupees 15 lakhs from complainant Javed on the pretext of getting a sale deed executed in respect of a property. Subsequently, the applicant has refused to get the sale deed executed and later on it was detected that the said property in fact was not owned by the present applicant and therefore the entire transaction was sham transaction at the behest of the applicant which led to the filing of the

FIR.

3. Counsel for the applicant submits that the nature of dispute itself would show that it is civil in nature and that the complainant has other remedies available to him but in order to put undue coercion upon the applicant, the false FIR has been lodged. He submits that there were other similar complaints made against the applicant before the same Police Station and in all other cases except for the present one the applicant has been released on bail. He further submits that the nature of allegation in all the cases where the petitioner has been granted bail is also similar. For all these reasons, counsel for the applicant prays for releasing the applicant on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the present applicant is a habitual offender in as much as the applicant has exploited the persons who come in contact with him by showing them property which is not clear in title and owned by the applicant. He further submits that on the pretext of selling property, the applicant has accepted huge amount of money and later neither sells the property nor gets the sale deed executed.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the fact that the applicant has already released on bail by the Co-ordinate Bench of this Court in two of the identically placed complaints i.e. MR CR No. 4027 of 2018 decided on 01.08.2018 and MCRC No. 7692 of 2018 decided on 31.10.2018, this Court is of the opinion that the applicant in the given facts and circumstances of the case also taking into consideration the nature of complaint is entitled to release on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**