

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8021 of 2017

- Feku Lal Soni S/o Shri Jagdish Prasad Soni, Aged About 37 Years, Caste Suryawanshi, R/o Village Nagoi, Thana Sarkanda, Revenue District Bilaspur Civil District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Koni, District Bilaspur Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-07-2017 in connection with Crime No.213/2017 registered at P.S. Koni, District Bilaspur Chhattisgarh for the offence under Section 418, 420 of the IPC.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The case against this applicant is totally of civil nature. The complainant instead of prosecuting the agreement of sale of land in civil court, has lodged a false FIR against this applicant. The applicant is in jail since 01-07-2017. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that it is a clear case of offence of cheating by the applicant. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. On 22-09-2014 the applicant in capacity of owner of the landed property entered into an agreement with complainant Ashok Kumar Saluja, for sale of

land and received advance of Rs.2,50,000/-. Thereafter, the applicant neither executed registered sale deed, nor he has returned the advance amount to the complainant. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the material present in the case diary. The argument advanced on behalf of the applicant regarding the case being of civil nature, has some substance, hence, I am of this view that the applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge