

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9149 of 2018

- Vijay Sahu S/o Late Khed Ram Sahu Aged About 43 Years R/o Laxmi Narayan Chowk, Police Station Ahiwara, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines District Raipur Chhattisgarh

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate.
For Respondent/State : Mrs. M.Asha, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

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. 513/2018, registered at Police Station Civil Lines District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120 B of the IPC.
2. As per prosecution story, on 26.07.2018 complainant Gouhar Ali made a report in the police station alleging therein that co-accused Ajay Kurre came to him and expressed his desire to sale his 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 co-accused Ajay Kurre, the complainant entered into an agreement for purchasing

of said land and paid him an advance Rs. 3,00,000/-. It is alleged that co-accused 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 said report, offence has been registered. The applicant is in custody since 27.07.2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been 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 co-accused Ajay Kurre and on the basis of that bonafidely co-accused Ajay Kurre entered into an agreement to sale with complainant Gouhar Ali. At that time co-accused Ajay Kurre was not having the knowledge that the agreement executed in favour of Sandeep Gupta was fraud. The allegations against the present applicant is only that he showed the said land to the complainant. Learned Counsel further submits that co-accused persons Ajay Kurre and Laxman Soni have already granted benefit of bail by this Court vide order dated 26.09.2018 passed in MCRC No. 6223/2018 & 6588/2018, the applicant is in custody, since 27.07.2018, charge-sheet has already filed and trial will take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that

the co-accused persons Ajay Kurre and Laxman Soni have already granted benefit of bail by this Court, the applicant is in custody, since 27.07.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one solvent 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