

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 194 of 2019**

- Sanjay Tiwari S/o Shri Radheshyam Tiwari Aged About 38 Years R/o Ekta Nagar, Gudiyari, Raipur, Police Station Gudiyari, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station D D Nagar, Raipur, Civil And Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate.
For Respondent/State	: Mr. DP Singh, Dy. GA.
For Objector	: Mr. YC Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**19/03/2019**

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. 373/2018, registered at Police Station – DD Nagar, District- Raipur (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per the prosecution story, complainant Rakesh Kumar Agrawal made a report in police station alleging that the applicant has executed an agreement to sale a property bearing Khasra No. 857 and Khasra No. 1060/6. Wherein, the complainant has given a cheque of Rs. 5,00,000/- and cash amount of Rs. 6,00,000/- to the applicant. Allegation against the present applicant is that he showed the different land to the complainant whereas he executed an agreement of different land and taken up with him all the aforementioned money fraudulently. On the basis of above, offence has been registered. The applicant is in custody since 28.11.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. On the basis of evidence collected by the prosecution prima facie there is no case under Section 420 of the IPC can be made out against the applicant. He further submits that the dispute is a civil nature. The applicant is in custody since 28.11.2018, charge sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 28.11.2018, charge sheet has already been filed and trial is 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. 20,000/- 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