

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 776 of 2019**

- Sanjay Kanwal Saini S/o Kanwal Singh Aged About 50 Years R/o Rajiv Vihar Sipat Road P. S. Sarkanda Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh

.....Non Applicant

For the Applicant : Shri Anand Mohan Tiwari, Advocate

For Non Applicant : Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.03.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 11.12.2018 passed in MCRC No.9110 of 2018.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.865/2018 registered at Police Station- Civil Lines Bilaspur District-Bilaspur (C.G.) for the offence punishable under Sections 120B, 420, 467, 468, 471, 34 of the Indian Penal Code.
4. Prosecution story, in brief, is that one person namely Sanjay Bitthal Rao Kale resident of village Palora, District- Bhandara, Maharashtra is the actual owner of disputed land and house. Sanjay Bitthal Rao Kale had executed an authority in favour of applicant and coaccused Ashish Ashok Rao Kawale regarding disputed land and house including to execute the agreement for sale. Applicant and coaccused Ashish Ashok Rao Kawale had shown the said authority to complainant Deepa Bajaj and, thereafter they entered in the agreement for sale regarding disputed land and house. Applicant and coaccused Ashish Ashok Rao Kawale had received a cheque of Rs.5,00,000/- as advance from complainant Deepa Bajaj which was in the name of actual owner Sanjay Bitthal Rao Kale. On 22/07/2015 Sanjay Bitthal Rao Kale executed alleged Sahmati Patra stating that he had authorized to execute agreement for sale of disputed land and house to applicant and coaccused Ashish Ashok Rao Kawale. He had also received 5 lakh rupees through cheque as advance. On 22.02.2017, the applicant cancelled the aforesaid agreement for sale stating that he shall pay 18 lakh rupees to the complainant with interest. As per the seizure dated 17/11/2018, three cheques issued by applicant have been seized from Chandra Prakash Bajaj who is the husband of the said complainant.
5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge