

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1156 of 2019**

- Hem Prakash Kaushik S/o Shri Buddhadas Kaushik Aged About 24 Years R/o Shriram Nagar, Near Rawabhatha, Mandir Hasaud, P. S. Mandir Hasaud, Tahsil Arang, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Raipur District Raipur Chhattisgarh

---- Respondent

For applicant Mr. N.Naha Roy, Adv.
For non-applicant/State Mr. Vikram Dixit, GA

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19-3-2019**

1. Heard on I.A. No. 1/2019 and I.A. No. 2/2019 for taking additional documents on record.
2. On due consideration, I.A. No. 1/2019 and I.A. No. 2/2019 are allowed. The documents are taken on record.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
4. The applicant has been arrested in connection with Crime No. 647/2018 registered in police station Civil Lines, Raipur (CG) for offence punishable under Sections 420, 467, 468, 34 of the IPC.
5. Prosecution story in brief is that co-accused Buddhadas Kaushik is father of the applicant. In the year 2016 co-accused Buddhadas Kaushik represented himself as Jaichand Dhidhi and executed an agreement for sale of the disputed land on 13-5-2016 in favour of the complainant. The applicant received Rs. 13 lacs from the complainant. Father of the applicant co-accused Buddhadas Kaushik had given a check of Rs. 10 lacs to the complainant which has been dishonored.
6. Counsel for the applicant argued that the applicant is innocent

and has been falsely implicated hence he be released on bail.

7. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
8. As per true copy of the registered sale deed dated 1-8-2014 filed as Annexure 'A' along with I.A. No. 1/2019 in this bail application, the sale deed was executed between Jaichand and the complainant. Thereafter the aforesaid agreement for sale was executed.
9. Co-accused Buddhadas Kaushik has been enlarged on anticipatory bail by the order passed by a coordinate bench in MCRC(A) No. 1652/2018 dated 21-1-2019 filed as Annexure "B" along with I.A. No. 2 of this bail application. Case of the applicant is not more severe than that of co-accused Buddhadas Kaushik.
10. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
11. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge