

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1389 of 2019

- Harishankar Deshmukh S/o Dauaram Deshmukh Aged About 41 Years R/o Village Fuljhar, Post Office Mangata, P. S. Somni, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.
For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/03/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 634/2017 , registered at Police Station – Durg, District – Durg, Chhattisgarh, for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.
2. First bail application was dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet vide order dated 14.02.2019 passed in MCRC No. 575/2019.
3. In this case there are two accused persons. As per the prosecution story, Applicant alongwith co-accused Ajay Kurre entered into an agreement with the Complainant Akash Singh to sell some land bearing Khasra No. 125/3 and total consideration amount was fixed for Rs. 10,00,000/- out of which they have received Rs. 5,00,000/- as earnest money. Thereafter, when the sale deed was not executed by the Applicant and co-accused, then, on being inquired, it was found

that the said land belong to some other person and thus, the Applicant and co-accused have cheated with the Complainant by receiving Rs. 5,00,000/-. On the basis of the said, offence has been registered and Applicant has been taken into custody on 22.11.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute with the Complainant. It is further submitted that both the parties have already settled their matter and out of Rs. 5,00,000/-, Rs. 2,50,000/- has already been obtained by the Complainant Akash Singh. Charge-sheet has been filed, Applicant is in custody since 22.11.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that charge-sheet has been filed, Applicant is in custody since 22.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge