

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1904 of 2019**

- Ajay Kurre S/o Shri Narayan Kurre Aged About 34 Years R/o House No. 117 G, Risali, Sector, Ravan Bhata Maidan, Risali, Bhilai, P.S. Nevai, District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through P.S.- Durg Kotwali, District- Durg, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/04/2019**

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 Kotwali, District – Durg, Chhattisgarh, for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.
2. First bail application was earlier dismissed for want of prosecution vide order dated 06.03.2019 passed in MCRC No. 1535 of 2019.
3. As per the prosecution story, co-accused of the case namely Harishankar Deshmukh 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 Harishankar received Rs. 5,00,000/- as earnest money. Allegedly, at that time present Applicant was also present with the co-accused Harishankar. Thereafter, when the sale deed was not executed by the co-accused Harishankar, then, on being inquired, it

was found that the said land belong to some other person and thus, the co-accused Harishankar and Applicant cheated 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 18.12.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. It is further submitted that there is no any evidence available on record on the basis of which *prima facie*, any offence can be made out against the Applicant. He also submits that co-accused has already been granted bail vide order dated 20.03.2019 passed in MCRC No. 1389 of 2019 passed by this Court. Charge-sheet has been filed, Applicant is in custody since 18.12.2018 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 18.12.2018 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