

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2396 of 2019

Sunand Biswas S/o Shri Satya Biswas Aged About 50 Years R/o Guru Govind Singh Nagar, Raja Talab Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Line Raipur Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates
For State	: Shri Lav Sharma, Panel Lawyer
For Objector	: Shri Pushpendra Kumar Patel, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/04/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.737/2018, registered at Police Station – Civil Line Raipur, District – Raipur (C.G.), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant is simply a land broker and in this basis, he had entered into an agreement with complainant Bobby Lucas on 16.07.2012 for sale of a land on behalf of the owner of the land. As the sale could not

materialised, therefore, the applicant has made refund of all the amount which he received in advance, but the document of compromise has been lost because a fire broke out in his office. Hence, the complainant is taking benefit of this situation and has lodged the false FIR.

3. Further, this applicant has been prosecuted by the complainant under the provisions of Negotiable Instruments Act in which he has made statement that the applicant has borrowed some money from him. Earlier the anticipatory bail application has been filed before this Court which was dismissed by this Court and subsequent to this, the applicant has been arrested and he is now placed in custody. Subsequent of filing of the charge-sheet, there is no requirement of his further detention. Therefore, it is prayed that the applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and submitted that there is evidence present in the charge-sheet filed against him that he had clearly cheated the complainant. Therefore, he may not be enlarged on regular bail.
5. Learned counsel for the objector adopted the arguments made on behalf of the learned State counsel and further stated that this applicant had cheated the objector by impersonating as the owner of the land which did not belong to him.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, in the year 2012, this applicant presented himself as owner of the land in question and entered into

the agreement with the complainant Bobby Lucas for sale of that land. The applicant received Rs.35 Lacs as advance from the complainant and has not made refund when the agreement failed. Further, the complainant also learnt that the land in question is recorded in the name of Jairam and others.

8. Considering the all facts and circumstances of the case and in the situation that that trial is yet to commence and there is no further requirement of any custodial interrogation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge