

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2837 of 2019**

Raju Tiwari son of Late Shri Ramprasad Tiwari, aged about 55 years, Resident of Daba Road, Shiv Nagar, Near Shiv Mandir, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Kotwani, District Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Manay Nath Thakur, Advocate.
For Non-Applicant	: Ms. Sangeeta Mishra, Deputy Government Advocate.

Hon'ble Shri Ram Prasanna Sharma, Judge**Order on Board****07/06/2019**

1. This is the first bail application filed under Section 439 CrPC for grant of regular bail as he has been arrested on 30.03.2019 in connection with Crime No. 175 of 2019 registered at Police Station Kotwali, Rajnandgaon, for the offence punishable under Sections 420 and 506 of the Indian Penal Code.
2. As per the prosecution, the applicant entered into an agreement with the complainant namely Baratu Ram Netam son of Jhaggar Ram Netam, aged about 54 years, resident of Deendayal Nagar Ward No. 6, Police Out Post Chikhli, District Rajnandgaon, to sell a land and received a sum of Rs.2,60,000/- as earnest money but did not execute the sale deed in his favour.
3. Learned counsel for the Applicant submits that the Applicant is not able to execute the sale deed but he will return the earnest money to the

complainant before 28th of June, 2019 by way of Bank Draft of Rs.2,60,000/-, therefore, he should be enlarged on bail.

4. On the contrary, learned State counsel opposes the bail application.
5. Taking into consideration the fact that the Applicant has shown his bonafide in returning the amount, the application is allowed on a condition that he will return the amount of Rs. 2,60,000/- to the complainant by way of a demand draft on or before 28.06.2019.
6. It is directed that the 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. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance. If the amount is not delivered to the complainant by way of demand draft as aforestated, the bail order passed by this Court shall stand cancelled on 29.06.2019 and the Applicant will surrender before the authority/Court.
7. Certified copy, as per rules.

Sd/-
(Ram Prasanna Sharma)
Vacation Judge