

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3695 of 2019**

1. Tapan Sarkar, S/o Late Ravindra Nath Sarkar, Aged About 48 Years, R/o Sikola Bhata, P.S. Mohan Nagar, District: Durg Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Shikhar Bakhtiyar, Advocate
For Respondent/State	:	Smt. Sunita Jain, Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.08.2019**

1. This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 11.03.2019 in connection with Crime No. 531/2018 registered at Police Station- Durg, District: Durg (C.G.) for the offence punishable under Sections 384, 386, 506, 507 and 34 of the I.P.C.
2. The case of the prosecution is that, the complainant lodged an FIR on 03.07.2018 in respect of certain transactions that the complainant had met with Anurag Dubey and Shailesh Tiwari in respect of certain property dealings which the applicant/petitioner had undertaken. According to the complainant, huge amount of money was given to the present applicant through Anurag Dubey and the amount was rooted through the bank account of Shri Anurag Dubey and thereafter the

present applicant is not returning back the amount to the complainant and is incurring loss by way of monthly interest that he has to pay.

3. Counsel for the applicant submits that from the statement of the complainant would show that, the entire transaction which has been dealt by the complainant, was between the complainant and Anurag Dubey, though it is alleged that the entire agreement was at the behest of the present applicant, with whom there are certain meetings with the complainant along with co-accused Anurag Dubey and also that there are certain chatting that was done between the present applicant and the complainant through mobile.

4. The State Counsel opposing the petition submits that the applicant has 7 other criminal cases pending against him and the allegations and charges levelled are also similar in nature and the present applicant is a habitual offender of similar cases, therefore, the present applicant's involvement in the present offence cannot be ruled out, particularly in the light of the statement of the complainant.

5. Having heard the contentions put-forth on either side and on perusal of records what reveals is that the two co-accused persons, namely Anurag Dubey and Sailesh Tiwari have already been enlarged on bail by this Court in MCRC No. 7947 of 2018 and MCRC No. 9891 of 2018. Furthermore, from the plain reading of the statement of complainant it is undisputed that the entire transaction that has transpired between the complainant and co-accused Anurag Dubey. Except for the oral conversation of the complainant with the present applicant either on phone or when they met personally. There is no transaction as such or an agreement entered into between the complainant and the present applicant. Under the circumstances, this

Court is of the view that, *prima-facie* the applicant has made a strong case for grant of bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**