

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4532 of 2019**

- Vishvajeet Banik, aged 28 yers, S/o Montu Banik, Ward No. 7, Old Market, Bachel, District Dantewada (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station Kanker, District Kanker (C.G.).

---- Respondent

For Applicant	:	Shri Arvind Sinha, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****08/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.78/2017, registered at Police Station - Kanker, District Kanker (C.G.) for the offence punishable under Section 420, 467, 468 and 471 IPC.
2. The prosecution story, in brief, is that the applicant sold the land of the complainant representing himself as builder and developer executing a forged agreement and made false signature of the complainant. Further case is that thereafter the amount of consideration was not paid to him and thereby committed cheating. Based on this, offence has been registered. Present applicant has been taken into custody on 20.02.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present is a case of breach of contract and not cheating. It is next submitted that order

sheet dated 25.09.2019 of the trial Court also shows that the prosecution has also moved an application for taking cognizance against the complainant and notice has been issued for his reply. He also submits that the present applicant is in custody since 20.02.2019, charge sheet has been filed, the case is triable by Judicial Magistrate First Class and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the case is triable by Judicial Magistrate First Class, the applicant is in custody since 20.02.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge