

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4193 of 2019**

- Vinod Kumar Patel, aged about 42 years, son of late Ram Kheladi Patel, resident of LIG 527, Sector -5, Chhattisgarh Housing Board Colony, Saddu, Tahsil & District Raipur (C.G.) Permanent address- Hiravanpur, Post- Pratappur, Police Station Saranyammarej, District Allahabad (UP)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Civil Line Raipur District Raipur (C.G.).

---- Respondent

For Applicants	:	Ms. Sunita Sahu, Advocate.
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/10/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 81/2019 registered at Police Station – Civil Line, Raipur, District Raipur (C.G.) for the offence punishable under Section 420 of IPC.
- The prosecution story in brief is that, the applicant is the owner of house LIG No. 527 situated at Housing Board, Saddu Sector, Raipur. The applicant has obtained loan from I.D.B.I. Bank after mortgaging the aforesaid house with the bank and by concealing the said fact, the applicant has executed an agreement to sale regarding house in question in favour of complainant Ashwan Kumar Sahu in consideration amount of Rs. 22,40,000/- and received advanced Rs. 2,00,000/- from the

complainant.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. At the time of execution of agreement, the applicant was orally informed about the mortgage of the house with the IDBI Bank, on which, the complainant assured that the amount which he will be paid in installments towards consideration of house, be deposited by the applicant in concerned Bank against the loan amount. A copy of agreement dated 22.08.2017 is annexed herewith as Annexure A/2. He further submits that the applicant is in jail since 20.05.2019, therefore, he may be released on bail.
- Per contra, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicant, case is triable by the Judicial Magistrate First Class, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- 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

Vijay Sahu