

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4289 of 2019

- Narendra Kumar Chandrakar S/o Late Kedar Nath Chandrakar, Aged About 70 Years, R/o Shivji Nagar, Kohka, Bhilai Nagar, Police Station-Supela, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Civil Line Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Gurudev I Sharan, Advocate.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant have been arrested on 31-05-2019 in connection with Crime No.336/2019 registered at Police Station - Civil Line Raipur, District- Raipur, Chhattisgarh for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 31-05-2019. No case is made out against the applicant. The applicant had in capacity of power of attorney holder of Sohagabai made the sale deed of property on 26-04-2016 to the complainant. The complainant has made a totally false allegation against the applicant that the land sold to him was already sold by this applicant to somebody else on some prior date. The investigation does not show any such execution of earlier sale deed and neither the person who is said to have earlier purchased the property has been made a witness. The investigation has been completed and charge sheet has been filed. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that Rin Pustika is present in the case diary which discloses that the name of Devendra Vishwakarma was entered as previous purchaser of the property, therefore, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, complainant Shashikant Sharma who is power of attorney holder of his daughter Smt. Harsha Vashisth made purchase of property from this applicant on 26-04-2016. When he applied for mutation he came to know that the land in question is already sold to one Devendra Vishwakarma. Therefore, the FIR has been lodged.
6. After perusing contents of the case diary, it is found that there is no earlier sale deed collected in the investigation, neither the said purchaser of the earlier sale deed has been made a witness. The copy of revenue record has been filed along with the application which shows that there is no mutation in favour of Devendra Vishwakarma, further, as the investigation is now complete and the case is pending for trial, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge