

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5249 of 2019**

1. Rajesh Patel S/o Ram Kumar Patel, Aged About 36 Years, R/o Village Junwani, Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Police Station Kotra Road, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Non-applicant**

**MCRC No. 5584 of 2019**

1. Ram Kumar Patel S/o Bhupat Patel, Aged About 58 Years, R/o Village Junwani, Thana Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through P.S. Kotra Road, Raigarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**----Non-applicant**

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For Applicants – Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State – Ms. Akansha Jain, Deputy Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**24-09-2019**

1. As both these applications arise out of the same crime number, i.e., Crime No.68/2019 registered at P.S. - Kotra Road, Raigarh, Chhattisgarh for the offence under Section 420, 467, 468, 471, 120-B & 34 of the IPC, they are being decided by this common order.

2. These applications have been filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail as they have been arrested on 22-05-2019 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 22-05-2019. The charge sheet has been filed after completion of investigation. It is in fact a case of some transactions in which applicant Ram Kumar Patel (applicant in MCRC

No.5584 of 2019) has failed to perform his part and thereafter he also agreed to pay compensation to the complainant. The FIR has been lodged only for the reason that applicant Ram Kumar Patel has failed to make payment of the compensation. Therefore, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there is evidence to show that applicant Ram Kumar Patel was repeatedly selling the same land, thus, his act is clearly fraudulent and applicant Rajesh Patel (applicant in MCRC No.5249 of 2019) is actively participated in the said commission of offence. Therefore, the applications may be rejected.

5. Heard learned counsel for both the parties and perused the case diary.

6. According to the prosecution case, complainant Vijay Kumar Yadav entered into an agreement with applicant Ram Kumar Patel for purchase of landed property on 10-12-2011 and applicant Ram Kumar Patel received advance of Rs.2,00,000/-. Subsequently as the applicant Ram Kumar Patel could not execute the sale deed in time, therefore, time of agreement was extended. Ultimately applicant Ram Kumar Patel on account of failure to execute the sale deed entered into a compromise with the complainant in which he agreed to pay compensation Rs.5,25,000/-, then applicant Ram Kumar Patel has made payment of Rs.20,000/- and rest of the amount he has not paid so far. Therefore, this FIR has been lodged.

7. The sale agreement between the parties was cancelled and the compromise agreement was entered and as the applicant Ram Kumar Patel has failed to perform his part, therefore, the FIR has been lodged. Hence, after taking into consideration these facts and also that the case is now pending for trial, I feel inclined to allow this application.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**