

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9304 of 2018**

Raj Kashyap, aged about 31 years, S/o Shri Rajesh Kashyap, R/o E-13
Radhaswami Nagar, Bhatagao, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Mujgahan, District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. J.K. Gupta, Advocate.
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.31/2018 registered at Police Station Mujgahan, District Raipur for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that the applicant and co-accused Yogesh Chauhan had executed agreement for sale on 08.02.2013 in favour of complainant Subhash Mishra regarding the disputed land and obtained Rs.11 lakh 25 thousand but they did not execute registered sale deed in favour of the said complainant.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He submits that one case under Section 420 of IPC has already been registered against the applicant in police case diary.
6. As per true copy of the affidavit of the complainant which is a part of the bail application the matter has been compromised and he does not want to proceed against the applicant and said co-accused.
7. As per web copy of order of this Court dated 29.11.2018 passed in

M.Cr.C. No.8684/2018, co-accused Yogesh Chauhan has granted bail by this Court. The case of the applicant is not more severe than the co-accused Yogesh Chauhan who has already been enlarged on bail by this Court.

8. Looking to the above facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with one personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned trial Court with the condition that he shall appear before the trial Court at 11:00 a.m. as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)

JUDGE

L/-