

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9981 of 2018**

- Vikas Jain S/o Rajendra Kumar Jain, Aged About 46 Years R/o H.No.22, Prem Pushpu, Jalvihar Colony, Police Station Telibandha, Raipur, Tahsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Gole Bazar, Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajeev Shrivastava, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**17/01/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 220/2013, registered at Police Station – Gole Bazaar, District- Raipur, (C.G.) for the offence punishable under Sections 420/34 of the IPC.
2. As per the prosecution story, allegations against the present Applicant is that he alongwith co-accused executed a sale deed in favour of the Complainant Gopi Chand Krishnani in which it was specifically mentioned that the disputed land of the case is free from all encumbrances, but the same was mortgaged with the Allahabad Bank and on account of that the possession of the property was not handed over to the complainant. Therefore, a report was lodged by the Complainant and on the basis of the said report, offence has been registered against the Applicant. He has been taken into custody on 08.11.2016.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that no case under Section 420 is made out against the Applicant. He further submits that the Applicant is in custody since 08.11.2016 i.e. for more than two years and 3 months and trial will take time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that the Applicant is a habitual offender and total 17 cases of the same nature are pending against him.
5. However, Counsel for the Applicant submits that there are some cases registered against the Applicant but out of those cases he has already been acquitted on the basis of compromise and in most of the cases he has already been granted bail except two cases.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 08.11.2016 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge