

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10085 of 2018**

Chandrasah Sahu S/o Shri Dashru Sahu Aged About 41 Years R/o Village Pahanda, Near By Leela Chowk, Arang, District Raipur, Presently Residing At Karan Nagar, Changorabhatha, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Civil Lines, Raipur, District Raipur Chhattisgarh

---- Respondent

For applicant	Mr. Malay Bhaduri, Adv.
For non-applicant/State	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****7-2-2019**

1. Heard on I.A. No. 1/2019 for taking additional documents on record.
2. On due consideration, I.A. No. 1/2019 is allowed. The documents are taken on record.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
4. The applicant has been arrested in connection with Crime No. 728/2018 registered in police station Civil Lines, Raipur (CG) for offence punishable under Section 420, 34 of IPC.
5. Prosecution story in brief is that the applicant and co-accused Padamchand Nahta had shown a disputed land in the year 2015 to complainant Vinod Nair. On 15-6-2015, co-accused Padamchand Nahta executed an agreement for sale of the disputed land to the complainant. Co-accused Padamchand Nahta received Rs. 15 lacs as advance from the complainant. When complainant inquired about the land then he came to know that co-accused Padamchand Nahta was not owner of that land.
6. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He further argued that co-accused Padamchand Nahta has been released on bail by the Additional Sessions Judge, Raipur, case of the present applicant is much better

than that of co-accused Padamchand Nahta, but the applicant was denied bail by that Court. Hence he be released on bail.

7. On the other hand, the State Counsel opposed the bail application. He further submits that one more case of same nature has already been registered against him.
8. The applicant had not executed agreement for sale of the disputed land. Said complainant had given notice only to co-accused Padamchand Nahta. Co-accused Padamchand Nahta has already been released on bail. It has also been mentioned in the certified copy of the order dated 5-12-2018 of the 3rd Additional Sessions Judge, Raipur that co-accused Padamchand Nahta had taken plea that complainant has already received a cheque of Rs. 20 lacs from the applicant. The 3rd Additional Sessions Judge, Raipur has wrongly distinguished case of the applicant from that of co-accused Padamchand Nahta to whom he has granted bail.
9. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge