

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 204 of 2020**

- Rajendra Prasad Soni S/o Late Shankar Prasad Soni Aged About 42 Years R/o Nehru Bhawan Road, Supela Bhilai Thana-Supela Bhilai, Tehsil And District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S.H.O. Thana-City Kotwali District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal on behalf of Mr. Avinash chand Sahu, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.
For Objector	: Mr. Soumitra Kesharwani, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 1199/2019 registered at Police Station-City Kotwali, District - Durg (C.G.) for the offence punishable under Sections 420, 120B, 34 of the IPC.
2. The brief facts of the prosecution, is that, complainant Sehnaj Begum lodged a report that the present applicant and other co-accused have cheated the complainant with forged documents of the land bearing survey No. 240/2 and 246/6 new No. 1318/40 & 1319/40, it is stated that the present applicant is in power of attorney holder of the above land and he sold the above land to the complainant and he took Rs. 12,00,000/- and thereafter the name of complainant was mutated in revenue record, but when she was to the spot the land was missing. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the present applicant is used by the other co-accused and present applicant has no role in the case. He also submits that the applicant is in jail since 06.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Learned counsel for the objector opposes the bail application and submits that the applicant stated to the complainant that he has power of attorney of the said land and received Rs. 12,00,000/- from the complainant by way of forged documents of the said land. Thereafter, when the complainant started complaining about the matter applicant threatened the complainant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the offence is triable by Judicial Magistrate First Class. The applicant is in jail since 06.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**