

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 415 of 2020**

- Jitendra Patel S/o Shri Lakhanlal Patel aged about 36 years, R/o Village-Anand Nagar, Chhura-Kachhar, Ward No. 57m Post Office-Bhairavtal P.S. Kusmunda, Tahsil-Katghora, District-Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Katghora, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Santosh Kumar Pandey, Adv.
For Respondent/State	: Ms. Akshara Amit, PL.

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. 360/2018 registered at Police Station-Katghora, District - Korba (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. The brief facts of the prosecution, is that, an application under Section 156(3) of the Code of Criminal Procedure Code, a direction was issued to the police regarding investigation of matter and thereafter instant crime has been registered, though same reflects civil in nature as per allegations made by the complainant that the present applicant got registered the land in question but not paid the entire amount of the registered land. 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 other co-accused persons have already granted bail in MCRC No. 61/2020 so, the present applicant may also be granted benefit of bail. The applicant is in jail since 17.12.2019, 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. I have heard learned counsel for the parties and perused the case diary.
6. 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 other co-accused have already been granted bail and the present applicant is in jail since 17.12.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- 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**