

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1594 of 2020**

- Khemchand Thakur S/o late Chhabilal Thakur, aged about 40 years, R/o Shrinagar Shiwanand Nagar Raipur, Tahsil & District Raipur (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station – Gudhiyari, District Raipur, Chhattisgarh

---- Respondent**And****MCRC No. 3717 of 2020**

- Pradeep Jain S/o Nemichand Jain, aged about 31 years, R/o in front of Mata Pandal, Sanyasi Para, Khamtarai, Thana Khamtarai, District Raipur (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Police Station Gudhiyari, District Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Manoj Kumar Dubey, Advocate in MCRC No.1594/2020 and Shri Samir Singh, Advocate in MCRC No.3717/2020.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/07/2020**

1. Since the aforesaid bail applications arise out of the same crime number, they are being heard and disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant

of regular bail as they are arrested in connection with Crime No.477/2019, registered at Police Station - Gudhiyari, Raipur (C.G.) for the offence punishable under Sections 420, 34 and 120(B) IPC.

3. The prosecution story, in brief, is that complainant namely Shamlal Kumar Biswas filed a written complaint at Police Station Gudhiyari alleging therein that on 23.12.2019, he purchased the house from co-accused Rajdeep Sarkar ad-measuring 1200 square feet at Mouja Shivanand Nagar Gudhiyari P.C. No.108 and after some time he came to know that he is not the owner of said house and thereby committed cheating with the help of present applicants. Based on this, offence has been registered. The applicant in MCRC No.1594/2020 has been taken into custody on 29.12.2019, whereas the applicant in MCRC No.3717/2020 has been taken into custody on 30.12.2019.
4. Learned counsel for the applicant in MCRC No.1594/2020 submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is only a contractor who constructed the alleged house. He also submits that neither the applicant has supplied any document nor received any payment from the complainant. It is next submitted that main accused namely Rajdeep Sarkar has been granted bail by the trial Court under Section 167 (2) of CrPC, therefor, the present applicant may also be granted bail.
5. Learned counsel for the applicant in MCRC No.3717/2020 submits that present is a dispute of civil in nature and the present applicant has no role in the alleged crime. He also submits that the present applicant is in custody since 30.12.2019, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposed the bail application. He submits that the present applicants with the help of co-accused Rajdeep Sarkar sold the land of other person to the complainant and thereby committed fraud.

7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that main accused Rajdeep Sarkar has been granted bail by the trial Court under Section 167 (2) of CrPC, the present applicants are in custody for more than 6 months, without further commenting on merits of the case, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till final disposal of the case.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde