

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1865 of 2020**

- Santosh Nagdone son of Ramlal Nagdone, aged about 45 years, resident of in front of Garden, World Bank Colony, Bhilai, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Bhilai - 3, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.64/2019 registered at Police Station - Old Bhilai, District Durg (C.G.) for the offence punishable under Section 420 IPC.
2. The prosecution story, in brief, is that complainant Venkat Rao has executed a power of attorney in favour of applicant for the purposes of sale of land ad-measuring area 41325 sq.ft. Land of Khasra No.397/3 total ad-measuring are 0.797 hectare (85695 sq.ft.) situated at Charoda, P.H.No.2, RIC Bhilai, Tahsil Patan, District Durg. On the basis of said power of attorney, the applicant executed sale deed in favour of purchasers Ghanshyam Singh Chouhan, Shriram Kumar Venkat Ramna, Pradeep Kumar Chandrakar, T. Narsaiya, Krishna Chandrakar, V. Laxmi, Ravishankar Verma, Minakshi Verma, Vijay Kumar Yadav, T. Radhamma, T. Vijaya Between the period from 09.08.2013 to 12.12.2013 in respect of 51625 sq ft. land and as such applicant has sold out excess land, thereby committed fraud. Based on this, offence has

been registered. The present applicant has been taken into custody on 19.01.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the complainant himself had authorized the applicant for sale of land and he handed over the consideration amount to the complainant in respect of total 51625 sq. ft. land, thus, it cannot be said that the applicant has cheated or defrauded the complainant. He also submits that the alleged transaction took place six years ago and now the FIR has been lodged. He also submits that the applicant is in custody since 19.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 19.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court

of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde