

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3606 of 2020**

- Mohammad Jilani @ Mohammad Gulam Jilani, S/o Mohammad Islam, aged about 50 Years, R/o Milan Chowk, Near State Bank ATM, Radhika Nagar, Bhilai, Police Station Supela, District- Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Chhawani, District- Durg, Chhattisgarh.

---- Respondent

For Appellant
For State

Shri Raghvendra Pradhan, Advocate.
Shri H.S. Ahluwalia, Dy. G.A. for the State.

Hon'ble Shri Justice Gautam Chourdiya
Order**10/07/2020**

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of both the parties, the matter is heard finally through video conferencing.
4. This is the First Bail Application under Section 439 of Cr.P.C for grant of bail as the applicant is in jail since 11.04.2020 in connection with Crime No.905/2018 registered in Police Station Chhawani, District Durg, C.G. for the offence punishable under Section 420 of Indian Penal Code.
5. Allegation against the applicant is that the applicant entered into

an agreement with the complainant Santosh Mishra for sale of land bearing Patwari Halka No.14, Khasra No.5406, plot No.1, total area 1400 square feet situated at Jawahar Nagar, Bhilai @ of Rs.800/- per square feet for a total consideration of Rs.11,20,000/-, out of which a sum of Rs.3,40,000/- was obtained by the applicant and an agreement to this effect was executed on 26.07.2016 in the name of wife of the complainant on a stamp paper. However, when after the prescribed period the applicant did not register the said land, the complainant enquired about the said land and came to know that the said land is not of the applicant. The cheque given by the applicant to the complainant also stood dishonoured. When the complainant demanded his money back, the applicant started avoiding the same and did not return his money. On report being lodged by the complainant to this effect offence under Section 420 of IPC was registered against the applicant.

6. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case, charge sheet has already been filed and nothing is required to be seized from the applicant. The offence is triable by the Magistrate, the applicant is in jail since 11.04.2020, he has no criminal antecedents and that the trial is likely to take some time for completion.
7. On the other hand, learned counsel for the State opposes the bail application.

8. Having heard learned counsel for the parties and having regard to the nature of dispute between the parties, the fact that the applicant is in jail since 11.04.2020 and admittedly has no criminal antecedents, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
9. Consequently, I.A. No.1, application for grant of Ad-interim relief stands disposed of.
10. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge