

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3783 of 2020

1. Shashi Kant Agrawal S/o Shri Sita Ram Agrawal Aged About 52 Years R/o New Khursipar Bhilai, Police Station Khursipar, District Durg, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through, SHO Kumhari, District Durg, Chhattisgarh

---- Respondent

For Applicant Mr. B.P. Singh, Advocate

For Respondent /State Mr. K.K. Singh, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

27/8/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.167/2019, registered at Police Station Kumhari, District Durg(CG), for the offence punishable under Sections 420/34, 467, 468, 471 & 120-B of the Indian Penal Code.
3. As per the written complaint lodged by the informant Rajesh Verma, the land brokers namely; Bal Kishore Barwa and his wife Kavita Barwa introduced him to the applicant on 14-8-2017 for negotiation for purchase of about 15 acres of land belonging to the applicant's family for a sum of

Rs.1,35,00,000/-. The applicant received an amount of Rs.11,000/- in advance and thereafter paid an amount of Rs.41,61,000/- (including the amount of Rs.11,000/- paid to the present applicant) to different accused persons, however, despite request registered sale deed was not executed and instead the land was sold to Techno Enterprises through partner Pushkar Agrawal of Raipur on 29-3-2019.

4. Shri B.P. Singh, learned counsel appearing for the applicant, would submit that Sangeeta Agrawal, Gayatri Agrawal & Uma Agrawal, who are owners of the land, have received the amount and not the present applicant, who has received only an amount of Rs.11,000/- for facilitating the agreement. He would submit that Sangeeta Agrawal, Gayatri Agrawal & Uma Agrawal have been granted anticipatory bail by this Court in two crime numbers vide MCRC A Nos.296 & 287 of 2020 (relating to Cr.No.167 of 2019) and MCRC A No.1024 of 2019 (relating to Cr.No.165 of 2017) whereas the present applicant has already been released on regular bail in MCRC No.2016 of 2020 (relating to Cr.No.165 of 2017). Learned counsel would submit the applicant is in detention since 16-12-2019 and the charge sheet has already been filed. Thus, the applicant deserves to be released on bail.
5. Shri K.K. Singh, learned Govt. Advocate, appearing for the State, *per contra*, would vehemently oppose the bail application.
6. Considering the entire facts situation of the case, particularly considering the fact that the FIR has been lodged after two years when the sale deed was not executed in favour of the complainant, but it was sold to some other persons and for the fact that the offence is triable by the JMFC; further

considering the fact that the charge sheet has already been filed; and the applicant has already been granted regular bail in MCRC No.2016 of 2020 (relating to Cr.No.165 of 2017), I am of the opinion that present is a fit case to release the applicant on regular bail.

7. Accordingly, the bail application M.Cr.C.No.3783 of 2020 is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri