

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7929 of 2019**

- Abhijeet Tiwari S/o Shri K.K.Tiwari Aged About 35 Years, R/o Laxmi Nagar, Tikrapara, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S.H.O. Police Station-Tikrapara, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Adv.
 For Respondent/State : Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/02/2020**

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. 618/2019 registered at Police Station-Tikrapara, Raipur, District - Raipur (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. The prosecution story, in brief, is that the applicant made an agreement with complainant Vishwajeet Sarkar for selling out of his land at Boriya Khurd and on 24.03.2008, Kashra No. 81/5 ad-measuring 1000 sq. ft. land has been registered by co-accused Niranjan Nanda by taking the amount of Rs. 66,000/-. After registry fencing work has been done by complainant. In the year 2017 when the complainant made an agreement with other person to sell out the above said land then it came to know of complainant that the above said land has been sold out to him by applicant and co-accused in

forged way. Thereafter, complainant made contact to the applicant where applicant told him that his land is not there on said Khasra No. and he will be paid Rs. 4,00,000/- to him. But, no money⁶ has been returned by the applicant nor possession of the land has been given to the complainant. 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 charge-sheet has been filed and the applicant is in jail since 24.11.2019, 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 applicant is in jail since 24.11.2019 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. 50,000/- 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**