

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 134 of 2020**

1. Pramod Kumar Joshi S/o Uday Kumar Joshi Aged About 33 Years, R/o Village Sirsakala, Bhilai, District Durg, Chhattisgarh.
2. Roshan Kumar Joshi S/o Uday Kumar Joshi Aged About 29 Years, R/o Village Sirsakala, Bhilai, Police Station Modhapara District Durg, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Modhapara District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Dr. Shailesh Ahuja, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/01/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 185/2019 registered at Police Station-Modhapara, District - Raipur (C.G.) for the offence punishable under Sections 420, 406, 34 of the IPC.
2. The prosecution story, is that the complainant filed a complaint that he made an agreement with the applicants to purchase a land located at Village Beriyakala ad-measuring 3500 Sq. Feet worth Rs. 11,00,000/- (Eleven Lakhs). the complainant made an advance payment of Rs. 7,00,000/- on 25/01/2019. The applicants were delaying the registry for 6 months and they also switched off their mobiles. During investigation it was also found that the applicants and their brothers have defrauded with two persons namely Pawan Kumar and Tulsiram Dhurve by showing them the land at Village

Beriyakal. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 23.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants 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 applicants and further considering the facts that the offence is triable by Judicial Magistrate First Class. The present applicants are in jail since 23.10.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**