

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 128 of 2020**

- Shubham Kumar S/o Uday Kumar Joshi, aged about 23 years, R/o village Sirsakala, Bhilai, Police Station Modhapara, District Durg, Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondent

For Applicant	:	Smt. Anju Ahuja, Advocate
For Respondent	:	Smt. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/02/2020**

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.185/2019, registered at Police Station - Modhapara, District Raipur (C.G.) for the offence punishable under Sections 420, 406, 34 IPC.
2. The prosecution story, in brief, is that complainant entered into an agreement with the applicant to purchase a land situated at village Beriyakala ad-measuring 3500 Sq.Ft. for Rs.11,00,000/-. On 25.01.2019, complainant paid Rs.7,00,000/- as earnest money to the applicant and other accused persons by way of cash and cheque, but registry was not executed and the applicant kept fooling them for six months. The applicant and other accused persons also switched off their mobiles. During investigation, it was revealed that the applicant and his brother have already committed fraud with two persons namely Pawan Kumar and Tulsiram Dhurve by showing them the same land. Based on

this, offence has been registered. The applicant has been taken into custody on 23.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that on 17.01.2020 main accused persons have already been granted bail in MCRC No.134/2020. She also submits that present is a civil matter and the complainant has a liberty to file the civil suit. She next submits that the applicant is in custody since 23.10.2019, 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 case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that main accused persons have already been granted bail, the present applicant is in custody since 23.10.2019 and the disposal of case may take some time, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application is allowed. The applicant is ordered to 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 the disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge