

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8482 of 2019

- Nirbhay Jain S/o Nagendra Mohan Jain Aged About 36 Years
R/o 58/10, Nehru Nagar (East), Bhilai, District Durg
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer,
Police Station Utai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri B.D.Guru, Advocate
For Respondent/State	: Shri Anil Tripathi, PL
For Objector	: Smt. Arti Chand Dutta, Advocate

Hon'ble Smt. Justie Rajani Dubey

Order On Board

07/02/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.444/2018 registered at police station Utai, District Durg (CG) for the offence punishable under Sections 420,419, 467,468,471 and 120-B/34 IPC.

As per prosecution case, a report was lodged by the complainant alleging that he has purchased some land to which the applicant and other co-accused were the mediators. It is alleged that when the complainant made enquiry, the owner denied about the execution of sale deed and he demanded the amount of consideration price of Rd. 69,75,000/- from the applicant and the co-accused

persons which he denied and thus the complainant was cheated.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that similarly placed co-accused have been granted bail by this Court in M.Cr.C.(A) No.117/2019 vide order dated 13.02.2019 and therefore the applicant may also be granted similar benefit. He submits that the applicant is in jail since 14.10.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State as well as counsel for the objector opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge