

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 385 of 2021

- Ajmer Singh, S/o Late Suchcha Singh, Aged About 55 Years, R/o Flat No. 302, Kalpatru Apartment, Risali, Bhilai, District Durg Chhattisgarh. **---- Applicant**

Versus

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

---- Non-Applicant/State

For Applicant	:	Shri Rahim Ubwani, Advocate
For Non-Applicant/State	:	Shri Anil Tripathi, P.L.
For Objector	:	Shri Raza Ali, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 24.10.2020 in connection with Crime No.419/2020 at Police Station- Civil Lines Raipur, District- Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120 B of I.P.C.
2. Case of the prosecution, in brief, is that the present applicant executed an agreement with the complainant for sale of land bearing Patwari Halka No.40 situated at ward No. 27 Dr. Bhimrao Ambedkar Ward, Raipur ad-measuring 0.099 hectare at the rate of Rs. 1800/- per Square Feet on 12.09.2016 and obtained a total sum of Rs. 72,50,000/- from the complainant. Subsequently, the complainant came to know that the original owner of the said land namely Rajkumar Sarawagi never executed any agreement with the present applicant for selling the said land. When the complainant contacted the applicant, he

admitted his fault and requested the complainant not to report the matter to the police and assured him to give back his entire amount but the same was not returned to the complainant. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he submits that first agreement for sale was executed between the present applicant and original owner of the land in question, therefore, the present applicant executed the agreement with the complainant, the agreement for sale executed by the original owner with the present applicant has not been cancelled. The applicant/accused has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant is in jail since 24.10.2020 and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Counsel for the objector opposes prayer for grant of bail to the applicant.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the report of the handwriting expert (Annexure A/6) wherein it has been opined that signature in the agreement executed between the applicant and Rajkumar Sarawagi (original owner of the land in question) is real, the dispute arose between the parties when the original owner refused to have executed any agreement with the applicant, there is no prima-facie evidence showing forgery or fabrication by the present applicant and it has to be decided on

merits during trial, the dispute between the parties appears to be of civil nature, the offence is triable by the Magistrate, the applicant is in jail since 24.10.2020, charge-sheet has been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the present applicant has no criminal antecedents as admitted by both the counsel, without commenting anything on merits of the case, the application is allowed.

8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

(a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge