

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 940 of 2021**

- Umensh Agrahari, S/o Kishanlal Agrahari, Aged About 48 Years, Resident of Infront of Mission Hospital (Wrongly Mentioned As Mishanas) Police Station Civil Line, Bilaspur Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station Civil Line, Civil and Revenue District Bilaspur Chhattisgarh.

**---- Non-Applicant/State**

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| For Applicant           | : Shri K.P.S. Gandhi, Advocate |
| For Non-Applicant/State | : Shri Amit Singh, P.L.        |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**24.03.2021**

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 20.01.2021 in connection with Crime No. 109/2021 at Police Station- Civil Line, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Section 420 of I.P.C.
2. The allegation against the applicant is that on 07.07.2015 the present applicant executed an agreement with the complainant for sale of land situated at Telipara *Jwala Nala* bearing Patwari Halka No. 24/34 R.N.M. ad-measuring 400 square feet at the rate of 24,50,000/- and obtained Rs. 14,00,000/- from the complainant but he did not get the Registry of the said land in the name of the complainant. Later, the complainant came to know the that the said land belongs to the other person.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated. He submits that earlier the present applicant had executed an agreement with the original owner of the land in dispute but due to need of money the present applicant executed an agreement with the complainant for sale of the said land. He submits that there is inordinate delay in lodging of F.I.R. He further submits that the applicant/accused is in jail since 20.01.2021, he has no antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed 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-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, it is clearly mentioned in the agreement dated 23.01.2018 which was subsequently executed by the applicant with the complainant that the applicant is not the original owner of the land, he had executed an agreement with the original owner but due to need of money he executed an agreement with the complainant, incident took place in the year of 2015 and report was lodged in year 2021 there is inordinate delay in lodging of F.I.R., charge-sheet has already been filed, detention period of the applicant, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
6. 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**

Nadim