

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6950 of 2021

- Prakash Chand Sidara, aged about 52 years, S/o Mr. Atal Ram Sidara, resident of Juna Bilaspur, P.S. Kotwali, Tehsil & District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station Sarkanda, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Raza Ali, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

16.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.08.2021 in connection with Crime No. 979/2020 registered in Police Station- Sarkanda, District Bilaspur (C.G.), for the offence punishable under Section 420/34 of IPC.
2. Case of the prosecution in brief is that Prakash Chand Sidara (applicant herein), co-accused persons namely Parag Pandurang Vaidhya & Preeti Vaidhya who are partners in Sai Sangam Realtors entered into an agreement with complainant Ashish Kumar Banerjee through co-accused Anjan Dev (broker) for sale of Flat No. 402 in Divya Mount for his consideration of Rs.28,78,200/- on 23.12.2015 and in lieu thereof obtained Rs.31,51,000/- from the complainant by way of cash as well as through cheque. However, after execution of the said agreement and receipt of the aforesaid amount, the said Flat was sold to Sushanta Kumar Singhrai and Sunita Singhrai and the amount given by the complainant was not returned to him. On report being lodged to above effect by the complainant, the aforesaid offence registered against the present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. He further submits that the applicant is in jail since 21.08.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. He also submits that co-accused namely Anjan Dev has already been granted regular bail by this Court vide order dated 01.02.2021 passed in M.Cr.C. No. 9088 of 2020. Therefore, the present applicant be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
5. Complainant Ashish Kumar Banerjee is present in person alongwith his counsel Himanshu Pandey before this Court and he is identified by his counsel, through his Aadhar Card. The complainant stated that the dispute has been redressed and he has no objection to grant of bail to the present applicant by this Court.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 52 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, further that the co-accused has already been granted regular by bail by this Court, that the dispute has been redressed as stated by the complainant and the complainant has no objection to grant of bail to the applicant by this Court, due to Covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
8. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on

following conditions :-

- i. 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/her from disclosing such fact to the Court.
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

9. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti