

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7911 of 2021

- Nikhil Gailani, S/o Shri Ramesh Gailani, Aged About 26 Years, R/o Railway Colony Chowk, Tilda, Tahsil Tilda, District Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant
For Respondent

Ms. Anushree Mishra, Advocate
Mr. H. S. Ahluwalia, Dy. AG

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

27/10/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of bail, as he is arrested in connection with Crime No.427/2020, registered at Police Station Civil Lines, District Raipur for the offence punishable under Section 420 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the applicant entered into agreement with the complainant for sale of his house, while it was the mortgaged property. On the date of the agreement, advance amount of Rs.1,50,000/- was paid by the complainant through cheque in the name of the applicant and thereafter further amount was also deposited in the account of

the applicant, thus the complainant was cheated.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the crime in question. He further submits that the co-accused Sumit Gailani has already been enlarged on bail by the Coordinate Bench of this Court on 16.07.2021 in MCRC No.1520/2021. The applicant is in jail since 31.12.2020 and the trial is likely to take some time, therefore, the applicant may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, offence is triable by the JMFC, the co-accused has already been granted bail, applicant is in jail since 31.12.2020 and the trial is likely to take sometimes, this Court is of the opinion that the present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of ₹ 1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish a coloured

passport size photograph and also a copy of the Aadhar Card before the Trial Court, which shall be verified from its original by the trial Court, at the time of bail.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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 facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge