

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9088 of 2020

- Anjan Dev, S/o late Pranav Dev, aged about 53 years, R/o Sahara Office Rajkishore Nagar, Police Station Sarkanda, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station – Sarkanda, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Sameer Uraon, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

01.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 24.10.2020 in connection with Crime No. 979/2020 registered in Police Station- Sarkanda, District Bilaspur (CG) for the offence punishable under Section 420 read with Section 34 of IPC.
2. Case of the prosecution in brief is that co-accused Prakash Chand Sidara, Parag Pandurang Vaidhya & Preeti Vaidhya who are partners in Sai Sangam Realtors entered into an agreement with complainant Ashish Kumar Banerjee through the applicant (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 amount taken from the complainant has been deposited by the present applicant in the account of complainant. The applicant has filed covering memo regarding deposit of the amount in the account of complainant and there is no further allegation against the applicant. He also submits that the applicant is in jail since 24.10.2020, charge-sheet has not been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the statement of complainant Ashish Kumar Banerjee recorded under Section 161 Cr.P.C by the police wherein he stated that Rs.31,51,000/- is deposited in the account of Sai Sangam Realtors and only Rs.1,76,000/- was taken by present applicant Anjan Dev for execution of registry in name of the complainant, that the applicant has paid amount of Rs.1,76,000/- as per document produced alongwith the covering memo and he acted as a broker for execution of agreement between the partners of Sai Sangam Realtors, the detention period of the applicant, charge-sheet has not been filed, conclusion of the trial is likely to take some time and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of 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 the 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 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 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.

Sd/-
(Gautam Chourdiya)
Judge

vatti