



2024:CGHC:40673

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7137 of 2024

Kishan Janghel S/o Kushlal Janghel Aged About 45 Years R/o Station Road, Lodhipara, Raipur, District Raipur, Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through Police Station, Civil Lines, District Raipur, Chhattisgarh.

... Non-applicant

For Applicant : Mr. Mateen Siddiqui, Advocate.

For Non-applicant/State : Mr. R.K. Gupta, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

16.10.2024

1. The applicant has preferred this first bail application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No.378/2024, registered at Police Station- Civil Lines, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 409, 467, 468, 471 120B, 34 of IPC.
2. The prosecution story in brief, is that, the complainant lodged a written complainant before the concerned Police Station stating

therein that, Sankar Lal Sahu, Satrugan Sahu, Ganesh Ram Sahu, Sushila Bai Sahu and the complainant have a Land in their name in village Ghaneli, which is situated at P.H.No. 81, Ra. Ni. Ma. Raipur 14 Kandul, tehshil and district Raipur Kharsa No 174/03 & 174/26 admeasuring 0.518 hectare, the same sold to Nirmal Jain & Rahul Jain for Rs 1 crore 95 lakhs. However the present applicant and other co-accused namely Dadu Sahu, Dhannu Banjare, Purshottam Patel, Usha Yadev, Amit Jha with the common intension on 20.06.2024 executed a sale deed for consideration of Rs 67 Lakhs 34 thousand and executed a another sale deed for consideration of 1 crore 40 lakhs. Because of those sale deed the complainant 55 lakhs for cash and two cheques of ICICI bank bearing no of amount 36 lakhs 50 thousands 000204 & 000205 of amount 36 lakhs 50 thousands respectively and out of which one cheque got bounce. And from the above mentioned transaction the complainant only got 1 crore 22 lakhs and remaining amount of Rs. 73 lakhs have been fraudulently and cheated by the accused. Therefore, the FIR has been registered Under Section 420, 409, 467, 468, 471, & 120(B) read with Section 34 of Indian Penal Code has been registered against the present applicant and co- accused.

3. Learned counsel for the applicant submits that the applicant is innocent person and he has been falsely implicated in this case. He further submits that the present applicant is a broker of land and he has made accused only on the basis of memorandum statement of co-accused. The present applicant has categorically mentioned that he is the land broker and the present applicant has not got any

undue amount as alleged by the complainant further the recovery which has been made by the present applicant i.e. only Rs. 5,000/- and there is no criminal antecedent of the applicant and in the present case charge-sheet has filed before the competent Court, the trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application of the applicant and submits that the present applicant along with 07 other accused persons were cheated the complainant and the recovery which has been made from the present applicant i.e. Rs. 5,000/- and further there is no previous criminal antecedent of the applicant and in the present case, charge-sheet has been filed before the competent Court. As such, the present applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of the offence and the fact that the present applicant along with 07 other accused persons were committed fraud and cheated the complainant. The recovery which has been made from the present applicant i.e. Rs. 5,000/- and further there is no previous criminal antecedent of the applicant and in the present case, charge-sheet has been filed before the competent Court and he is in jail since 07.07.2024 and further one of the co-accused namely Usha Yadav, has already been granted bail by this Court in MCRC No. 6943/2024, vide order dated 07.10.2024, on the ground that she is

a lady and the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Let the Applicant -**Kishan Janghel**, involved in Crime No.378/2024, registered at Police Station- Civil Lines, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 409, 467, 468, 471 120B, 34 of IPC, be released on bail on his furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings

against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal