

(2018) 07 CHH CK 0125

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4164 Of 2018

Dinesh Kumar Pal And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 2, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 406
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Pritinker Diwaker, J

Bench: Single Bench

Advocate: Pravin Dhurandhar, Vivek Sharma

Final Decision: Allowed

Judgement

Pritinker Diwaker, J

1. This application under Section 439 of the Code of Criminal Procedure has been filed by the applicants who are in custody in connection with Crime

No. 22/2018 registered at Police Station Durg, for commission of the offence punishable under Sections 406/34 IPC.

2. Case of the prosecution in short is that applicant Dinesh Kumar Pal had purchased some land from complainant Usha Bai for a consideration of Rs.

7,80,000/- and part payment was also made to her. After execution of the sale deed, complainant has alleged that she has not received the full payment.

3. Counsel for the applicants submits that the allegation against applicant Ishwar Kumar is that he just acted as a mediator. He further submits that the

nature of dispute is civil but it has been converted into criminal one just to pressurize the applicants and grab money. According to him, as the applicants are in jail since 21.5.2018, that the offences alleged against them are triable by Magistrate and that the charge-sheet has been filed, they may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, that the offences alleged against the applicants is triable by Magistrate and that they are in jail since 21.5.2018, this Court is of the opinion that it is a fit case to release them on bail. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for their appearance before that Court as and when directed.