

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2525 of 2015

Smt. Chana Bai, age 39 years, W/o Mehtar Satnami, R/o Village Banskanta,
P.S. Komakhan, Tahsil Baghbahra, Civil & Revenue Distt. Mahasamund,
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Komakhan, District
Mahasamund (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.2625 of 2015

Smt. Tulsi Bai, age 60 years, D/o Guruwaru, R/o Village Banskanta, P.S.
Komakhan, Tahsil Baghbahra, Civil & Revenue Distt. Mahasamund,
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Komakhan, District
Mahasamund (C.G.)

---- Non-applicant

For Applicants:	Mr. Vikas Dubey, Advocate.
For Non-applicant:	Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/08/2015

1. Since both the bail applications involve common question of law and fact, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime Nos.54/2014 & 55/2014, registered at Police Station Komakhan, Distt. Mahasamund, for the offence punishable

under Sections 420, 467, 468, 471 & 120B read with Section 34 of the IPC.

3. These are the second bail applications filed on behalf of the applicants for grant of regular bail. First bail applications have been rejected on merit vide order dated 16-12-2014 passed by this Court in M.Cr.C.Nos.5783/2014 & 5784/2014.
4. Case of the prosecution, in brief, is that the applicants, being landless women, were allotted Government land which could not have been sold without prior permission from the Collector. Further case of the prosecution is that on 14-6-2011, the applicants sold the said Government land to one Nikunj Harlalka for a sale consideration of Rs.1,78,500/- and Rs.1,28,000/- respectively after obtaining certificate from Shankar Lal Sinha i.e. Patwari of said Halka holding that the land belongs to the applicants in their Bhumiswami rights which were duly verified by the then Tehsildar D.D. Mahant.
5. Learned counsel for the applicants submits that after dismissal of the first bail applications of the present applicants, co-accused D.D. Mahant, Tahsildar, has been granted bail by this Court vide order dated 21-4-2015 passed in M.Cr.C.Nos.1431/2015, 1433/2015 & 1434/2015 while entertaining his second bail applications. He further submits that effect and operation of the order dated 16-5-2014 has partly been stayed, therefore, trial is not proceeding as such, the applicants being women are in jail since 13-9-2014 and there is no progress in the trial.
6. On the other hand, learned State counsel opposes the bail applications.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the fact that co-accused D.D. Mahant, Tahsildar, has already been granted bail, the applicants being women are in jail since

13-9-2014 and as submitted there is no progress in trial, I am of the opinion that the applicants deserve to be released on regular bail. Accordingly, the applications are allowed.

9. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge