

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5013 of 2015

Smt. Geeta Bai Nishad, W/o Shri Nand Kumar Nishad, aged about 56 years, R/o Village Parsada, Police Station Abhanpur, Tahsil Abhanpur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. City Kotwali, Gariyaband, District Gariyaband (C.G.)

---- Non-applicant

For Applicant:	Mr. C.R. Sahu, Advocate.
For Non-applicant:	Mr. Ramakant Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing her on regular bail during trial in connection with Crime No.106/2015, registered at Police Station City Kotwali, Gariyaband, Distt. Gariyaband, for the offence punishable under Sections 420, 467, 468, 471, 120B of the IPC, 3 (1) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that though the applicant is not a member of Scheduled Tribe but yet representing herself to be the member of Scheduled Tribe, purchased 8.75 acres of land of two aboriginal tribes namely Rajesh Dhruv and Heeralal Gond on 27-9-2008 without obtaining prior permission from the Collector under Section 165 (6) (ii) of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code'), and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not

committed any offence, she has been falsely implicated in the case and she is in custody since 22-8-2015. He further submits that at the most, the transaction can be declared null and void, but no criminal offence is made out against the applicant for not obtaining permission under Section 165 (6) (ii) of the Code, as such, the applicant be released on regular bail. Charge-sheet is yet to be filed.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, her pretrial detention, the fact that substantive investigation has not already been completed and the only allegation is of not taking permission under Section 165 (6) (ii) of the Code, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for her appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge