

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5282 of 2015**

Smt.Geeta Bai Nishad, W/o Shri Nand Kumar Nishad, Aged about 56 years, R/o Village Parsada P.S.-Abhanpur, Tahsil-Abhanpur, District-Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, Through– Station House Officer, Police Station-City Kotwali, Gariyaband, District-Gariyaband (CG)

---Non-applicant

For Applicant	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.107/2015, registered at Police Station-City Kotwali, District-Gariyaband (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 120B of the IPC and Section 3 (1) (iv) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act, 1989.

2. Case of the prosecution, in brief, is that though the applicant is not a member of Schedule Tribe but yet representing herself to be the member of Scheduled Tribe, purchased 8.50 acres of the land of one aboriginal tribe namely Heeralal Gond on 3.7.2009 without obtaining prior permission from the Collector under Section 165 (6) (ii) of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959') 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, 1959, as such, the applicant be released on regular bail. Charge-sheet is yet to be filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; her pre-trial 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, 1959, I am of the view that it is a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-