

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5371 of 2015**

- Chandan Kerketta, S/o Lt. Lundu, aged about 45 years, R/o Hanuma Nagar, P.S. Ramanujnagar, Present R/o-Village-Pachira, P.S. Surajpur, District Surajpur (C.G.)

**---- Applicant****Versus**

- State Of Chhattisgarh Through P.S. Kotwali, Ambikapur, District Sarguja (C.G.)

**---- Non-applicant**


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For Applicant: Mr. Maneesh Sharma, Advocate.  
For Respondent/State: Mr. Om P. Sahu, Govt. Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****06/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.375/2015 registered at Police Station Kotwali Ambikapur, District Sarguja (C.G.) for the offences punishable under Sections 420, 467, 468, 471 & 120-B/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant while acting as Patwari of village Girvarganj, Tahsil Surajpur issued B-1, Khasra Panchshala of the land in dispute in favour of Kotwar of the village namely Rambilas certifying the land to be transferable land knowing fully well that it was not the transferable land, and Kotwar sold the land by registered sale deed dated

23.08.2014 and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that the applicant has bonafidely issued such documents in favour of Kotwar; and the Kotwar taking advantage of the lapse on the part of the applicant sold the land, which is clearly illegal and applicant has made complaint to this effect to his higher officials, which led to the lodgment of the First Information report, and applicant is in jail since 27.08.2015 and the substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question and further considering defence of the applicant and the fact that on his report, FIR has been lodged; further considering his pre-trial detention; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant -Chandan Kerketta is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-  
(Sanjay K. Agrawal)  
Judge

D/-

