

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5707 of 2015

Nand Kumar Nishad, S/o. Late Shri Vishay Ram Nishad, Aged about 61 years, R/o. Village Parsada, P.S. Abhanpur, Tahsil Abhanpur, District Raipur (C.G.).

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure 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, Gariyaband, District Gariyaband (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code and Section 3(1)(4) of Scheduled Tribe & Scheduled Caste (Prevention of Atrocity) Act.
2. Case of the prosecution is that one land was purchased by Smt. Geeta Bai showing that she is a member of Scheduled Tribe but actually she was not a member of Scheduled Tribe and purchased 8.50 acres of land of one aboriginal tribe namely Heeralal Gond on 03.07.2009 without obtaining prior permission from the Collector and this applicant had identified the purchaser and inscribed the signature.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in this case. He further submits that the transaction may be declared null and void, but having identified any person in a sale-deed will not amount any offence and the main accused Smt. Geeta Bai has already enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.5282 of 2015, therefore, the applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
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 and the role played by the present applicant that he only identified the purchaser and further looking to the fact that the main accused had already enlarged on bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge