

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.501 of 2016

Sushil Kumar, S/o Shri Mahesh Satnami, aged about 40 years, R/o Gram Gidhva, P.S. Nandghat, District Bemetara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through Station House Officer of Police Station Bemetara, District Bemetara (C.G.)

---- Non-applicant

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.
For Objector/Complainant: -	Mr. R.S. Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.384/2014, registered at Police Station Bemetara, Distt. Bemetara, for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that the present applicant along with two other co-accused persons namely Hemin Bai and Gyaneshwari entered into an agreement to sell the suit land which was granted on lease by the Government to them stating to be Bhumi Swami and obtained Rs.12 lakhs from complainant Piluadas and thereby committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, in fact, the husband of Gyaneshwari i.e. Lakhbir is main

accused who allegedly entered into agreement with complainant Piluadas on 17-2-2011 and also obtained Rs.12 lakhs on behalf of the applicant without being authorized by him and thereafter, since the land was granted to them by Patta, permission from the Collector was sought which was refused by the Board of Revenue. It is a pure and simple civil dispute between the parties as such criminal action is not maintainable in law. It has been informed to the applicant that since the land could not be registered in favour of Piluadas, co-accused Lakhbir has executed a sale deed in favour of Piluadas on 20-5-2011 transferring 4.30 acres of land in favour of Piluadas, as such, the applicant is in jail since 1-1-2016 pursuant to the order of this Court passed in W.P.(Cr.)No.241/2015 (Pilwa Das Narang v. State of Chhattisgarh and others) decided on 14-1-2016. Charge-sheet has been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel and learned counsel for the objector/complainant vehemently opposed the prayer for bail made on behalf of the applicant.
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 applicant who is Engineer in the Housing Board posted at Jagdalpur and main allegation of obtaining amount from Piluadas is against Lakhbir, wife of co-accused Gyaneshwari, further taking into account the fact which is stated at the Bar that 4.30 acres of land had already been registered in favour of Piluadas, considering the nature of dispute, the fact that the applicant being a Government servant is not likely to abscond,

extent of delay in lodging the FIR and pretrial detention of the applicant,, I consider it 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 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma