

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3123 of 2016

- Rajeev Shrivass @ Raju Shrivass S/o Late Laxman Shrivass Aged About 43 Years Occupation Patwari, R/o Ring Road, Namnakala, Ambikapur, District Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, Ambikapur, Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Ms. Pritha Ghoshal, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 05 of 2016 registered at P.S. Gandhi Nagar, Ambikapur, Distt. Surguja C.G) for the offence punishable under Sections 420 of IPC.
2. As per the prosecution case, a report was lodged by Monika wife of late Dominik and Lovely Toppo, wife of Amit Toppo against the present applicant Rajeev Shrivass that he in capacity of Patwari demanded Rs.4,10,000/- to grant a lease of land which was in the name of Lalu Ghasiya and Rama Ghasiya and subsequently Rs.4,10,000/- each was paid by each complainant i.e. Monika and Lovely and thereafter the land was not transferred in favour of the said complainants. Consequently on an enquiry made by SDO it was found that Rajeev Shrivass has collected the amounts of Rs.4,10,000/- from each complainant and the land being a government land after further investigation, the offence was also registered against other co-accused Sudhir Bada and Amit Toppo as they wanted to get the government land transferred in their names.

3. Learned counsel for the applicant Rajeev Shrivastava would submit that an enquiry was conducted by the Collector wherein the Collector found that amount of Rs.4,10,000/- has not been paid and thereby the entire offence has been diluted and Rajeev Shrivastava was exonerated in departmental enquiry conducted at the behest of Collector. Therefore, no further investigation is required and since the charge sheet has been filed and the applicant is in jail since 05.03.2016 he be released on bail.
4. On the other hand, learned State Counsel opposes the bail. He would submit that the applicants at the connivance of co-accused Sudhir Bada and Amit Toppo committed offence.
5. The documents contain different stages of departmental enquiry and the enquiry conducted by the SDO which would go to show that no further investigation is required as the charge sheet has already been filed. Thus considering the totality of the facts and circumstances and the nature of allegations levelled against the applicant and looking to the period of detention as applicant is stated to be in jail since 05.03.2016 I am inclined to enlarge him on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**