

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3924 of 2016

- Nakul S/O Mahngu Aged About 55 Years R/O Khutgaon, Police Station Farsabahar, Tahsil Farsabahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Farsabahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

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 on 13-4-2016 in connection with Crime No. 98 of 2015, registered at Police Station Parsabahar, District Jashpur (CG) for the offence punishable under Sections 420, 467, 468 & 471, 120-B of the IPC.
2. As per prosecution case, Khasra bearing No. 487 measuring 1.129 hectare was situated at village Ourijor was recorded in the name of Sukhdev and Bhuleshwar. Subsequently on the ground that Sukhdev and Bhuleshwar died without any issue and after proclamation the names of Mahngu and Nakul by resolution dated 11-6-2013 were recorded in the revenue records, thereafter Mahngu died and only the name of Nakul remained in the revenue records and thereafter Nakul sold the land to Amit Verma on 17-2-2014 for Rs.1,00,000/-. Subsequently, Sukhdev who is alive filed an application under Section 156 (3) of Cr.P.C., and thereafter, the applicant in connivance of other co-accused sold

the land belonging to Sukhdev and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that since Sukhdev was missing for long time, as such village Gram Panchayat has recorded the name of Nakul in the revenue records and thereafter the applicant Nakul sold the land to Amit Verma, therefore, no offence has been committed by the applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 13-4-2016 and no further evidence is required, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and considering the fact that all the evidence are documentary in nature and also taking into the fact that the charge-sheet has been filed, the applicant is in jail since 13-04-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

