

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1361 of 2016**

Lakhibir Singh, aged about 40 years, son of Dhelu Ram,
R/o. Village Gidhwa, P.S. Nandghat, Tahsil Navagarh,
District Bemetara (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : The Station House
Officer, Police Stataion Bemetara, District Bemetara (C.G.)

-----Non-applicant**And****MCRC No. 1389 of 2016**

Hemin Bai, w/o Shri Sushil Kumar Lahare, aged about 35
years, at present R/o Balsamund Road Palaari, Tehsil
Palaari, District Balloda Bazar- Bhatapara (C.G.)

Permanent residence at Gram Devrani, P.S. Bhatapara
Gramin, District Balloda Bazar- Bhatapara (C.G.)

---- Applicant**Versus**

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

-----Respondent

For Applicant: Mr. K.S. Kurre, Advocate in M.Cr.C.
No.1361/2016.

For Applicant: Mr. Shivang Dubey, Advocate in M.Cr.C.
No.1389/2016.

For Non-applicant/State Mr. Neeraj Kumar Sharma, Dy. GA

For Objector Mr. R.S. Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/03/2016

Heard.

(1) Above mentioned both the bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.384/2014, registered at Police Station Bemetara, District Bemetara, for the offence punishable under Section 420 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution is that applicant - Hemin Bai along with other co-accused persons namely Sushil Kumar & Gyaneshwari entered into an agreement to sell the suit land with complainant Pilwadas which was granted on lease by the Government to them stating to be Bhumi Swami and co-accused Lakhbir Singh obtained Rs. 12 lakh from complainant Piluadas and thereby committed the aforesaid offence.

(3) Shri Shivang Dubey, learned counsel appearing for applicant Hemin Bai would submit that applicant's case is identical to the co-accused-Sushil Kumar, who has been enlarged on bail by this Court by order dated 10.02.2016 passed in M.Cr.C. No.501/2016; and the applicant, being a woman, is in detention since 1.1.2016 and, therefore, the applicant may also be enlarged on bail on the ground of parity.

(4) Shri K.S. Kurre, learned counsel appearing for the applicant Lakhbir Singh would submit that applicant was not the party to the agreement to sell executed between the parties and the complainant has already filed civil suit for recovery against him which is pending consideration before the court below and, as such, he has been falsely implicated in the offence in question as he has not committed any offence; he is languishing in jail since 9.12.2015 and, therefore, the applicant may be released on bail.

(5) On the other hand counsel for the State as well as Objector opposes the bail applications.

(6) So far as accused- Hemin Bai is concerned, after hearing learned counsel for the parties, taking into consideration the facts & circumstances of the case; further considering the fact that her case is similar to co-accused- Sushil Kumar, who has already been enlarged on bail by this Court in M.Cr.C. No.501/2016 decided on 10.02.2016; further considering role of the applicant in the offence in question and the fact that applicant, being a woman, is languishing in jail since 1.1.2016 ; this court is of the view that it is a fit case to release the applicant – Hemin Bai on bail. Accordingly, the bail application with regard to applicant – Hemin Bai is allowed.

(6) So far as accused- Lakhbir Singh is concerned, after hearing learned counsel for the parties, taking into consideration the facts & circumstances of the case; role of the applicant in the

offence in question and the manner in which applicant obtained Rs.12 lakhs from the complainant in order to get permission from authority concerned for sale of land, but the same was not done; I am not inclined to release the applicant – Lakhbir Singh on bail. Thus, the bail application with regard to applicant- Lakhbir Singh is rejected.

(7) Accused/applicant –**Hemin Bai** is directed to be released on bail on her 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. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-