

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1896 of 2016**

1. Akhtar Khan, son of Amir Mohammed, aged 60 years, resident of Kawardha, Police Station Kawardha, District Kabirdham (CG)
2. Anwari Begum, wife of Akhtar Khan, aged about 55 years, resident of Kawardha, Police Station & Tahsil Kawardha, District Kabirdham Civil & Revenue District Kabirdham (CG)

---Applicants**Versus**

State of Chhattisgarh Through District Magistrate Kabirdham (CG)

---Non-applicant

For Applicants	:	Mr. Sandeep Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.402/2015, registered at Police Station-Kawardha, District-Kabirdham (CG), for the offence punishable under Section 420/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicants sold the land lease out to them by the government to complainant Sunil Gupta for cash consideration of Rs.4,50,000/- and thereby committed the offence.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. Only debris have been sold to the complainant. He would further submit that dispute is civil in nature in

which the applicants are in jail since 23.1.2016 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, their pre-trial detention, nature of dispute between the parties and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-