

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 253 of 2016

Vijay Singh Shakya S/o Hukum Singh Shakya, Aged About 43
Years R/o Amapara Ward No. 12, Balod, Police Station, Tahsil
Balod, Civil & Rev. District- Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Balod, Civil & Rev. Distt. Balod,
Chhattisgarh.

---- Respondent

For applicant -Shri Pramod Verma, Sr. Advocate with Shri Mayank
Chandrakar, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/01/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was rejected on 26/11/2015.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 200/2015 registered in Police Station Balod for offence punishable under section 420, 467, 468, 120-B of Indian Penal Code (offence u/s 420 has been compounded on dated 11/12/2015 by the learned C.J.M. Balod).
3. As per the prosecution case, one Asho Bai, who was aged about 85 years is in possession of 0.59 hectares of land. She was in need of money and therefore, asked her grand son to sell the land bearing khasra No.388 and thereby entered into agreement. However, in lieu of the said agreement, a sale deed for a consideration of Rs.21 lakhs was executed in favour of the applicant, however, no amount was paid.
4. Learned counsel for the applicant submits that after earlier dismissal of the bail application on 26/11/2015 there has been subsequent

change of circumstances since a civil suit was filed wherein the alleged sale deed which was executed in favour of the applicant was annulled on the basis of compromise. He relied on the copy of judgement and decree passed on 9/12/2015. He further submits that on such basis the land has already been diverted back to the complainant. He submits that in the criminal case compromise has been affected whereby offence under section 420 of IPC has been compounded and he referred to the order dated 11/12/15 wherein shows that offence under Section 420 of IPC has been compounded, therefore under these circumstances the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the change of circumstances, further by the judgement and decree dated 9/12/2015 the land which is alleged to have been wrongly sold has been reverted back to the complainant and in the criminal case complainant has entered into compromise with the applicant whereby offence under Section 420 of IPC has been compounded. Taking into such development in the case, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE