

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3159 of 2016

- Amit Toppo S/o Phildius Toppo Aged About 34 Years Caste Uraon, R/o Village Indranagar, Fundurdihari, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Gandhinagar, Ambikapur District - Surguja Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Kishore Naraini, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.

MCRC No. 3219 of 2016

- Sudhir Bada S/o Gopnath Bada Aged About 35 Years Caste Uraon, R/o Village Indranagar, Fundurdihari, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through : S. H. O. P.S. Gandhinagar, Tehsil Ambikapur, District Surguja Chhattisgarh
Respondent

For the applicant	:	Mr. Saurabh Dangi, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. These are first bail applications 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. Sarguja C.G) for the offence punishable under Sections 420 & 120(B) of IPC. Since both these bail applications are relating to same crime number, they are decided by this common order.

2. As per the prosecution case, a report was lodged by Monika wife of late Dominik and Lovely Toppo, wife of Amit Toppo against co-accused Rajeev Shrivastava that he in capacity of Patwari demanded Rs.4,10,000/- to grant lease of land which was in the name of Lalu Ghasiya and Rama Ghasiya and subsequently Rs.4,10,000/- 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 co-accused Rajeev Shrivastava has collected the amount of Rs.4,10,000/- from each complainant total amounting to Rs.8,20,000/- and the land being a government land after further investigation, the offence was also registered against the applicants Sudhir Bada and Amit Toppo as they wanted to get the government land transferred in their names.
3. Learned counsel for the applicants Sudhir Bada and Sunil Toppo would submit that since the amounts were paid to Rajeev Shrivastava on the assurance that lease would be granted in their favour, they were not knowing that the said land was a government land, therefore, the offence cannot be attributed to these applicants as the execution of lease or grabbing the government land ultimately could not happen, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the bail. He would submit that the applicants and co-accused Rajeev Shrivastava at the connivance of each other committed offence.
5. Perused the case diary and other documents.
6. The documents 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 and the

role played by the applicants and looking to the period of detention as applicant Sudhir Bada is in jail since 29.04.2016 and applicant Amit Toppo is in jail since 28.04.2016 respectively, I am inclined to enlarge the applicants on regular bail.

7. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE