

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4523 of 2016

- Kishan Kumar Rayate S/o Late Jhabbulal Rayate Aged About 45 Years R/o 5 F, Cross Street 3, Sector 6, Bhilai, Tahsil & District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Supela, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 562 of 2016 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Sections 420, 467, 468, 471 of IPC.
2. As per the prosecution case, at village Khoka certain lands were held by Sukhalu. After his death, the lands were recorded in the name of his legal heirs namely Jhabbulal, Bodhiram, Sumran and Budhwantin Bai and thereafter the lands were sold in part and ultimately after sale of the property to different persons, the revenue record could not be corrected and it recorded the area of land to be 0.32 hectares and thereafter the present applicant who is the legal heir of Jhabbulal has sold the property to the others. Subsequently complainants Vindhyachal and Meena Bai had filed complaint that the property belonged to them has been subject of sale, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that in

respect of the same property, the other purchasers Vindhyachal & Meena are prosecuting a civil suit and the dispute is about the area of land which is still to be adjudicated in civil suit and the applicants has not committed any offence and the property was recorded by the forefathers of the applicant and it has not been made by the applicant, therefore, no offence has been committed.

4. Per contra, learned State Counsel opposes the bail and would submit that even the grass land which belonged to the State was sold, therefore, the applicant may not be released on bail.
5. Perused the report dated 28.8.2015 which is submitted by the Revenue Inspector to Addl. Tahsildar, Durg. A perusal of the same would show that during settlement, there has been some wrong mutation of the area of land as over lapping occurred.
6. Considering the nature of dispute and the degree of allegations levelled against the applicant and further taking into the totality of facts and circumstances of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE