

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4790 of 2016

Sanjay Choubey, S/o. Jagdish Choubey, Aged About 33 Years, R/o. Beside Sinha Kirana Store & Behind Osho Bhawan, Gudiyari, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Gudiyari, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kamal Kishor Patel, Advocate

For Respondent : Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.180/2016 registered at Police Station- Gudiyari, District Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B, 34, 506-B of Indian Penal Code.
2. As per the prosecution case, one Gowardhan Banjare sold the land bearing Khasra No.250/4 to Kanchan & Prabha on 17.07.2014 and it is alleged that subsequently when the land was demarcated, it was found that actually the land is bearing Khasra No.193 and the present applicant alongwith Gowardhan has executed the sale deed.
3. Learned counsel for the applicant would submit that in the year 2014, the sale deed was executed, however, some encroachment took place and thereafter the complainant asked the applicant to

remove the encroachment and thereby the false allegations have been attributed. It is further submitted that the applicant has introduced the seller to the purchaser and he is completely stranger to the entire incident and no allegation can be attributed to this applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Taking into the fact that the sale was made in the year 2014 by one Gowardhan Banjare, considering the facts and circumstances, nature of offence and degree of allegation leveled against the present applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge