

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4453 of 2016

- Kallu Singh @ Narendra Singh S/O Rain Singh Aged About 37 Years R/O Village Bhadaura, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate and Mr. Neeraj Kumar Sharma, Dy.G.A

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-08-2016

1. This is 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 on 26-04-2016 in connection with Crime No. 37 of 2015, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 420, 419, 467, 468, 471 and 120-B of the IPC.
2. Case of the prosecution is that initially enquiry was made on 11-03-2013 by the Additional Collector and other members and on that basis seven cases were registered against different accused persons wherein sale of land at village Bhadaura has been sold. Subsequently, in those cases the applicant was one of the accused persons and the applicant along with other co-accused persons has been convicted. The learned Judicial Magistrate First Class, after evaluating the

evidence, arrived at a finding that, it appears that further cases of similar nature for the same offence of fabricated sale deed have been committed and the Judicial Magistrate had ordered for an enquiry. After that enquiry present cases have been registered against the applicant. It is further alleged that the applicant has sold the land bearing Khasra No.519/7 at village Bhadaura of which he is not owner.

3. Learned counsel appearing for the applicant would submit that initially due to further bifurcation of the document, Khasra No. 519/1 was changed into Khasra No.519/7 and actually the applicant is owner of the said land and in any case ownership cannot be diluted. He would further submit that the applicant has been falsely implicated in the instant cases, charge-sheet has been filed in the case, the applicant is in jail since 26-4-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposing the application for grant of bail would submit that the applicant by bifurcation of the document has sold the land bearing Khasra No. 519/7 of which he is not owner.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, nature of offence and further considering the evidence collected by the prosecution which appears to be documentary in nature and also the fact that charge sheet has been filed and the applicant is in jail since 26-4-2016, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant Kallu Singh @ Narendra Singh 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju