

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5520 of 2016

Ujjawal Kumar Shrivastava, S/o. S.P. Shrivastava, Aged About 41 Years,
R/o. Near Old Shiv Mandir, Vaishali Nagar, Bhilai, District Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- City
Kotwali, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.09.2016

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.235/2013 registered at Police Station- City Kotwali, District Durg (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471, 120B, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Rakhi Gupta that her father Kanhaiyalal Gupta was missing from 30 years for which a case for declaration of civil death was filed before the Civil Court wherein Khanhaiyalal was declared be dead on 17.01.2012 and before that on 03.06.2011 one person falsely personified himself as Kanhaiyalal Gupta sold the land to the present applicant which was identified by two witnesses. Subsequently, the present applicant also sold the land to one Mahmood Ayaz; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is a bonafide purchaser and in-fact he is the victim and he has paid

the entire sale consideration earlier and further the compromise has also been affected in between the parties, therefore, the applicant 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. The FIR was registered when investigation was ordered under Section 156(3) of Cr.P.C. Taking into the facts and circumstances of the case, nature of evidence which is documentary in nature and the role played by the applicant who appears to be the bonafide purchaser, 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