

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5722 of 2016

Ashok Singh S/o Pawan Singh Thakur Aged About 45 Years R/o.
Village - Bhadaura, Police Station Masturi, District - Bilaspur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station Masturi, District -
Bilaspur Chhattisgarh

---- Respondent

For applicant - Shri Durgesh Goyal, Advocate.
For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/10/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.32/2015 registered in Police Station Masturi, District Bilaspur (C.G.) for offence punishable under sections 419, 420, 467, 468, 471, 120-B, 201 of Indian Penal Code.
2. As per the prosecution case, on an enquiry made by the Additional Collector on 11.03.2013, seven cases were registered against different accused persons which pertains to sale of land at village Bhadaura wherein it is alleged that the applicant in conspiracy with other persons of the village i.e. Sarpanch, Up-Sarpanch & Registrar had given the 22 point enquiry favorable and on that basis sales were executed. It is alleged that the present applicant was in possession of few of the seal which were being used for giving No Objection on 22 point enquiry and he also executed sale deed in two cases though he was not the owner of the land.
3. Learned counsel for the applicant would submit that after purchase of the land, when enquiries were made, the main allegations were attributed to Kallu Singh who was the husband of Mamta Singh as she being the

Sarpanch was operated by Kallu Singh. He further submits that the present applicant was some time worked in the Panchayat and though the allegations were attributed no seal was recovered from him, which would be evident from the statement of Panch Kumar, Kotwar and Madan Lal and only on the basis of oral statement, the applicant has been inculpated. He further submits that the charge sheet in this case has been filed and no further investigation is necessary; therefore, the applicant may be released on bail.

4. Learned State counsel was directed to make submission as to whether the applicant was arrayed as accused when the initial charge sheet was filed, the State counsel submits that the applicant was not arrayed as accused, but subsequently by an order of the Magistrate, the applicant was arrayed as an accused. He further submits that in 2013, seven cases were registered and in 2015 after order of the Judicial Magistrate, fourteen cases were registered; therefore, the applicant may not be released on bail.

5. Perused the case diary, documents & statement of Panch Kumar and Mandan Lal. Considering the facts & circumstances, nature of allegations attributed which appears to be documentary in nature and the fact that applicant is in jail since 23.03.2016, I am inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE