

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6252 of 2016

- Anil Sahu S/o Late Radheshyam Sahu Aged About 38 Years
R/o Ramnagar Near Radha Krishna Temple Tahsil & Revenue
District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer,
Police Station Gudiyari, Civil & Revenue District Raipur,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vijay Deshmukh & Mr. Kamal Kishore Patel, Advocates
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.
For the Objector	:	Mr. Raza Ali, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2016

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. 181/2016 registered at P.S. Gudiyari, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 420, 467, 468, 471, 506-B, 34 of IPC.
2. As per the prosecution case, certain land was sold by accused Goverdhan Banjare to Kanchan Talreja & Prabha Patel in respect of Khasra No.250/4 situated at village Gondwara. Subsequently when the land was demarcated, it was found that the land which was sold is in respect of Khasra No.193 and it was a government land and the present applicant and others have executed the sale deed. It is also alleged that accused Raja Tiwari was acting as land broker whereas present applicant Anil Sahu was holding the power

of attorney on behalf of the seller Goverdhan Banjare thereby the offence is committed.

3. Learned counsel for the applicant would submit that the sale deed was executed in the year 2014 and the possession of land was also handed over. Subsequently after two years, the report has been made because of the fact that some one has encroached upon the land and it is purely a dispute of encroachment and the applicant has not committed any offence. He further submits that the charge sheet has been filed in this case and the applicant is in jail since 01.07.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel and counsel for the objector oppose the bail application.
5. Perused the case diary and the documents. Considering the totality of the facts and circumstances of the case especially the fact that all the evidence available in this case appears to be documentary in nature as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 01.07.2016, I am inclined to release him on regular bail.
6. 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