

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6134 of 2016

- Manoj Kumar Chouhan S/O Sitaram Chouhan, Aged About 32 Years R/O Near Kali Mandir, Modapar, Korba, Out Post Manikpur Korba, Tehsil & District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station Mal Kharoda, District Janjgir Champa Chhattisgarh

---- Respondent

&

MCRC No. 6204 of 2016

- Smt. Anita Chouhan S/O Itwari Ram Chouhan Aged About 35 Years Caste Ganda, R/O Village Dhanpur, Police Station Changori, Tahsil & Police Station Akaltara, District Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : District Magistrate, Janjgir, District Janjgir - Champa Chhattisgarh

---- Respondent

For Applicant in : Mr. Malay Kumar Bhaduri, Advocate
M.Cr.C.No.6134 of 2016

For Applicant in : Mr. Sanjay Patel, Advocate.
M.Cr.C.No.6204 of 2016

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-10-2016

1. Since the aforesaid two bail applications arise out of same crime number which are in similar nature, they are heard analogously and are being disposed of by this common order.

2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 9-8-2016 & 30-8-2016 in connection with Crime No. 138 of 2016, registered at Police Station Mal Kharoda, District Janjgir Champa (CG) for the offence punishable under Sections 419, 420, 467.468, 120(B)/34 of the IPC.
3. Case of the prosecution, in brief, is that First Information Report was registered by the Police on a direction of the Judicial Magistrate First Class, Mal Kharoda on the basis of a complaint under Section 156 (3) of the Cr.P.C., filed by the complainant Budhwari Bai. It is alleged that the applicants who are joint holders of the land bearing Khasra Nos. 231/1 and 208/3 without information to the complainant deleted her name from the revenue records and sold the same on 20-5-2015 to some one and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants would submit that the applicants are brother and sister and their names were also recorded in the revenue records and they have not played any fraud and there is *inter se* dispute between the family members and no criminality has been committed by them. It is further submitted that charge-sheet has been filed in this case, the applicants are in jail since 9-8-2016 and 30-8-2016 and no further investigation is required, therefore, they may be released on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties, perused the case diary and other documents.

7. Perused the complaint made under Section 156(3) of the Cr.P.C., by the complainant Budhwari Bai. Considering the case, prima facie, it appears that the rival parties are claiming their rights over the disputed property which is subject matter.
8. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering all the evidence which are primarily documentary in nature and also the fact that charge-sheet in this case has been filed and the applicants are jail since 9-8-2016 and 30-8-2016, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju