

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6349 of 2016

1. Bishun Kumar Rathore, S/o. Ramdhan Rathore, aged about 48 years, R/o. Village-Bhadaura, Thana – Masturi, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O. Police Station – Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.35/2015, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 419, 201 and Section 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that 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 and Registrar had given favourable report of 22 point enquiry and on that basis sales were executed. It is alleged that the applicant being the Panch of the village has conspired with the other co-accused persons.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no direct evidence is available against the applicant. It is further submitted that the applicant was only Panch and only on the allegation that the applicant used to accompany with the other co-accused he has been inculpated. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary. It is further submitted that similarly placed co-accused Ashok Singh has been enlarged on bail by this Court in M.Cr.C. No.5715/2016 and others connected matters vide order dated 04.10.2016 and case of the present applicant is similar to that of the accused who has been enlarged on bail, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicant and further taking into the fact that similarly placed co-accused Ashok Singh has been enlarged on bail by this Court in M.Cr.C. No.5715/2016 and others connected matters vide order dated 04.10.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram