

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6316 of 2016

- Harjinder Singh Bhatiya S/o Late Avatar Singh Bhatiya Aged About 52 Years By Caste Sikh, R/o Budhwari Para, Ward No. 15, Dongargarh District Rajnandgaon Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Baghnadi, District Rajnandgaon Chhattisgarh

For Applicant : Mr. Parag Kotecha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-10-2016

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 on 29-8-2016 in connection with Crime No. 20 of 2016, registered at Police Station Baghnadi, District Rajnandgaon (CG) for the offence punishable under Sections 420, 467, 468, 471 , 34 and 120-B of the IPC..
2. Case of the prosecution, in brief, is that on 1-6-2016 a report was made by complainant Thakur Ram that the applicant personified someone as Thakur Ram and purchased the land bearing Khasra No.113. It is also alleged that at the behest of the applicant sale deed was executed and Patwari and other persons had issued necessary documents and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant is a bona fide purchaser of the said land. He had purchased the said land for consideration on 13-2-2012 and sale deed was endorsed by Tahsildar on 13-3-2012. It is

further submitted that the applicant has been falsely implicated in the case, no evidence is available against the present applicant and there was delay of four years in lodging the first information report. He would further submit that the applicant is in jail since 29-8-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents. Prima facie it shows that the applicant appears to have purchased the aforesaid land. The sale deed is alleged to be executed in the year 2012 and first information is said to have been made in the year 2016.
6. Taking into consideration the facts and circumstances of the case and further considering the time lapse and fact that the applicant is a bona fide purchaser of the said land and all the evidence appears to be documentary in nature and also the fact that the applicant is in jail since 29-8-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju