

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6554 of 2016

- Bishun Kumar Rathore S/o Ramdhan Rathore Aged About 48 Years
R/o Village Bhadaura, Thana Masturi, District Bilaspur, Chhattisgarh.
---- **Petitioner**

Versus

- State of Chhattisgarh through S.H.O. Police Station Masturi, District
Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vivek Tripathi, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.10.2016

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. 44 of 2015 registered at P.S. Masturi, Distt. Bilaspur (C.G) for the offence punishable under Sections 420, 467, 468, 471, 419, 201 & Section 120-B of IPC.
2. As per the prosecution case, on an enquiry made by the Addl. Collector on 11.03.2013, seven cases were registered against different accused persons which pertains to sale of land at village Bhaduara wherein it is alleged that the applicant in conspiracy with other persons of 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 other accused, he has been inculpated. It is further submitted that the 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 of 2016 and other connected matters vide order dated 04.10.2016 and the case of the present applicant is similar to that of the accused who has been enlarged on bail, therefore, counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. 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 allegations 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 this Court is of the opinion that present is a fit case where the applicant can be enlarged on regular bail.
7. Accordingly, the bail application filed u/s 439 Cr.P.C., 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**