

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6401 of 2017

Benjamin Sikka, S/o Ishwar Das Sikka, Aged About 42 Years, presently working as Naib Tehsildar, Raipur, R/o House No. 26, Gayatri Nagar, Raipur, Tehsil And District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Smt. Sindhu Tanya Sikka, wife of the applicant who has filed the affidavit on behalf of the applicant is present in person.

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

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

12/12/2017

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 in connection with Crime No. 65/2017 registered at Police Station- Pithora, District Mahasamund (C.G.) for the offence punishable under Sections 420 of the IPC.
2. As per prosecution case, land bearing Khasra No. 897/01 area 0.02 hectares was earlier recorded as forest land and subsequently it was recorded in the name of one Khemin Bai. The said land was acquired by the State Government and for that Rs. 7,00,000/- as compensation was granted to Khemin Bai. Co-accused Shiv Kumar Tiwari had made deception to Khemin Bai for signing form for opening her account in the bank, thereafter, fraudulently and dishonestly obtained her signature in withdrawal form and amount is

withdrawn by the said Shiv Kumar Tiwari. Though, it is alleged on the charge sheet that the mutation proceedings in the name of Khemin Bai was done by some revenue officers and the applicant participated in the same proceedings. But no such record of proceedings is filed with the charge sheet to substantiate that the appellant participated in the mutation proceedings.

3. Per contra, learned State counsel opposes the prayer for grant of bail.
4. Taking into consideration that no proceedings involving the present applicant is filed with the charge sheet and further taking into consideration that the appellant is in jail since 16.09.2017, I am inclined to release the applicant on bail.
5. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Ram Prasanna Sharma)
Judge

Santosh