

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 248 of 2017

Manoj Soni, S/o. Shivbhawan Soni, Aged About 38 Years, R/o. Circular Market, Beside Arora House, Camp -2, Fish Market, Chhawni, Police Station -Chhawni, Tahsil & District -Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Nandani Nagar, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

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.234/2016, registered at Police Station – Nandani Nagar, Bhilai, District – Durg (C.G.) for the offence punishable under Section 420, 419, 467, 468, 471, 120B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by Lalit Nayak and Devkumar that present applicant, who is land broker contacted them and offered certain land for purchase and they were shown the land by the present applicant and other co-accused. Subsequently, sale deed was executed by Manthir, Ashwani, Anuj, Khediya, Dashoda, Khomlal, Banshilal and Thagiya in favour of Lalit Nayak and Dev Kumar. One of the seller Khomlal was also named, but he died long back and in his place Kanhaiya Lahre appeared as Khomlal and an amount of Rs.12,25,000/- was paid to the present applicant -Manoj Soni and one Farid Khan and the original sale deed

was also kept by the present applicant. It is alleged that the land was government land and the sellers were not the owners of the land and they do not have right to sale the same. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was only working as land broker and he has only taken Rs.1.00 lakh as a commission, which would be evident from the memorandum statement. It is further submitted that other co-accused in this case i.e. Haldhar Gupta, Manthir Ram, Ashwani and Anju have been enlarged on bail and the bail of Kanhaiya was rejected as he pretended himself as Khomlal, 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the seller, wherein it shows that entire amount of sale consideration of Rs.12,25,000/- was paid to the present applicant and others. Taking into such fact, the applicant appears to be the beneficiary, therefore, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge