

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 356 of 2017

Suryakant Patel, S/o. Late Jasraj Bhai Patel, Aged About 58 Years, R/o. New Timer Market Phaphadih, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Dhamda, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. H.S.Ahluwalia, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/01/2017

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.93/2010 registered at Police Station- Dhamda, District Durg (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code.
2. As per the prosecution case, a complaint was made by Abdul Rauf that he was holding a land alongwith his sisters Joharbano and Hajiyani Bachchi Bai, which was sold by Narmada Prasad Tiwari by personified himself as Abdul Rauf and Rasida Begum & Quresha Begum were projected as Joharbano & Hajiyani Bachchi Bai and sale deed was made in name of Kanhaiya Lal Sahu, who was servant of the present applicant. It was alleged that the present applicant knowing fully well that the land do not belonged to Narmada purchased the same and false consideration was

shown as Rs.32,80,000/-. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is the bonafide purchaser, which would be evident from the memorandum statement of the other co-accused and even if the land was purchased in name of servant, it cannot be said that some offence has been committed. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. The documents appear to have been seized. Considering the nature of evidence, which appears to be documentary in nature and further considering the fact that prima facie the applicant appears to be purchaser and the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge