

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 659 of 2017

- Abdul Momin S/o Shri Jalaluddin Ansari, Aged About 55 Years R/o Baikunthpur, Thana & Tahsil Khadgawa, District Korea, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Khadgawa, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Somkant Verma, Advocate

For Respondent/State : Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 12-1-2017 in connection with Crime No.6 of 2017, registered at Police Station Khadgaon, District Korea (CG), District Korea (CG) for the offence punishable under Sections 420, 467, 468, 471, 120 (B)/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Sukhman that the land of Sukhman was sold by Dhaniram and Radhika and Radhika was personified as Sukhman and the sale deed was executed in favour of present applicant Abdul Momin and Jamsed in respect of land bearing Khasra No.1.760 hr.,at village Banjaridhnan. On investigation it was found that the said land was recorded in the name of Sukhman and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the present applicant is a bona fide purchaser and he had purchased the land for consideration, therefore, no offence has been committed. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 12-1-2017 and no further investigation is required, 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 documents. It appears that the applicant is purchaser of the land and also documents filed along with bail petition would show that some civil suit is also pending for cancellation of the sale deed.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the applicant is a bona fide purchaser of the land and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 12-1-2017 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

