

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 1678 of 2017

- Banwali Maitre S/o Late Shyam Lal Maitre, Aged About 67 Years R/o Village Arasnara, Police Station Nandani Nagar, Tahsil And District- Durg, Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For the Applicant : Shri Jitendra Gupta,
Advocate.

For the Respondent/State : Shri Neeraj Jain, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.11.2017

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. 18/2017, registered at Police Station – Dhamdha, District – Durg (C.G), for the offences under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 06.02.2017. The holder of the disputed land (Raju and Raj Kumar) had given a power of attorney in favour of the applicant, on the basis of which the applicant has simply executed the sale-deed in favour of the purchaser (Sohaga Bai). He had no knowledge as to the land in question was non-transferable. It is submitted that complaint has not been made by any aggrieved person or by any independent persons alleging that non-transferable land has been sold by the applicant and others, hence, the applicant prays for grant of bail.
3. Learned counsel for the State opposes the bail application and the submissions made.
4. Heard counsel for both the parties and perused the case diary.
5. As per the case diary the land in question was allotted to Derhin Bai under the Scheme of 20 Point Program which was non-transferable land property. After the death of Derhin Bain, Raj and Raj Kumar were recorded legal heirs who gave the power of attorney in favour of the applicant and the sale-deed was executed of them are arrayed as accused in this case.
6. Considering the submission and contents of the case diary and looking to the facts that the matter is triable by JMFC, the applicant is in jail since 06.02.2017, he is a local resident of District - Durg, his availability before the trial Court can be ensured, he is ready to abide by all the conditions imposed upon him, this Court is of the opinion that this is a fit case where the applicant should be enlarged for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal