

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1751 of 2017

1. Raja Tiwari @ Rajkumar Tiwari S/o Late Ramayan Prasad Tiwari, Aged About 38 Years, R/o Village Near Uma Dairy Naya Talab Gudiyari Raipur, Tahsil and Civil and Revenue District Raipur Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh through the Station House Officer, Police Station Gudiyari, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri Kamal Kishore Patel, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Shri Raza Ali, Advocate on behalf of objector to assist the prosecution.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the co-accused Anil Sahu and Sanjay Choubey were granted bail by the coordinate Bench of the this Court in MCRC No. 6135/2016 vide order dated 16-11-2016 and MCRC No.4790/2016 vide order dated 23-08-2016. The role of the present applicant is similar to the co-accused. The applicant is innocent. Crime No. 180/2016 registered against the present applicant and other co-accused by Gudhiyari police, Distt. Raipur, CG for the offence under Section 420, 467, 468, 471, 120(B), 506, 34 of the IPC. He has surrendered before the JMFC Raipur on 28-02-2017 as a Criminal Case No.17859/2016 is pending against him. The applicant is innocent and he will not commit any offence in future. Since other co-accused persons were granted bail, the trial may take some time, the present applicant may also be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State duly assisted by learned counsel for objector Smt. Prabha Patel opposed the argument advanced on behalf of the applicant and would submit that the land shown to

the purchaser/objector for Rs. 10,23,700/- was not the land bearing Survey No. 250/4 instead the said land was bearing survey No. 193, the government grass land and looking to the role of the present applicant, the instant MCRC may be dismissed.

4. Perused the entire material.

5. Considering the role of the present applicant attributed and surfaced in the 161 statement of objector Smt. Prabha Patek and other witnesses and also with the fact that the land shown to the purchaser was not the land as for Survey no. 250/4 instead it was government grass land on inquiry by the concerned Patwari, on due consideration, for the evidence collected against the applicant and the severity of the offences registered, I am not inclined to grant bail and also when another criminal case for the similar offence is registered against the applicant. However, the accused shall cooperate. As settled and also need not to mention that the trial Court while deciding the matter shall not influence with any of the observations made in the order of this Court.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE