

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1750 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 for 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 applicant has surrendered before the JMFC Raipur, C.G. on 28-02-2017 as Gudiyari police, District Raipur, C.G. had registered Crime No.181/16 for the offence under Section 420, 467, 468, 471, 120(B), 506, 34 of the IPC against the present applicant and two other accused and also filed the charge sheet which is pending before the JMFC as Criminal Case No.17858/2016. The applicant is innocent. Two other co-accused including the main accused Anil Sahu were granted bail by the coordinate Bench in MCRC No.6252/2016 vide order dated 16-11-2016 and MCRC No.4791/2016 vide order dated 23-08-2016. The FIR is lodged after two years of the incident. The role of present applicant is stated under 161 statement of complainant Kanchan Talreja and her husband. There is no any complaint till death of owner of the land Goverdhan Banjare. Anil Sahu sold the land to the objector under the alleged authority. The applicant will not commit any offence in future. He may be released on bail.
3. Per contra, learned counsel for the non-applicant/State assisted by

learned counsel for objector opposed the argument advanced on behalf of the applicant.

4. Perused the entire material.

5. Prima facie, as per the investigation, survey No.250/4 recorded in the name of Goverdhan Banjare was not given to the objector after the alleged sale of land which was shown to the objector and her family members was ultimately a Govt. land, also after consideration of the role of the applicant as surfaced in the investigation and the seriousness of the act and the offence registered against the present applicant, also with the fact that another similar offence is registered against the present applicant which is pending before the JMFC, Raipur, C.G. as Criminal Case No. 17859/16, I am not inclined to grant bail to the present applicant. Consequently, the instant MCRC is hereby dismissed.

6. As prayed on behalf of the applicant, the trial Court is directed to expedite the matter and dispose of as early as possible. The co-accused shall cooperate as per provisions of law.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE