

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 733 of 2017

Vishnuram Dadsena S/o Khilawan, Aged About 46 Years R/o Haldi,
Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

And

MCRC No. 6617 Of 2017

Suraj Nishad S/o Baisakhu, Aged About 62 Years R/o Village
Kurud, Police Station Jamul, District Durg, Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Amleshwar, District Durg, Chhattisgarh

---- Respondent

For applicants - Shri B.P. Singh, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2017

1. Both these anticipatory and regular bail applications are decided together as they are arising out of the same crime number.
2. **MCRCA No. 733 of 2017** is the bail application under Section 438 of Cr.P.C. filed by the applicant Vishnuram Dadsena apprehending his arrest in connection with Crime No. 93/2017 registered at Police Station Amleshwar, District Durg (C.G.) for offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
3. **MCRC No. 6617 of 2017** is the bail application under section 439 of Cr.P.C. filed by the applicant Suraj Nishad for grant of regular bail as he is arrested in connection with Crime No. 93/2017 registered at Police Station Amleshwar, District Durg (C.G.) for offence punishable under

Sections 420, 467, 468, 471, 34 of Indian Penal Code.

4. Case of the prosecution, in brief, is that a report was lodged by one Peman Bai that her husband Amar Singh Nishad was not mentally fit. One co-accused Ashwani Nishad had approached her for sale of the land which was held by him to execute sale. Subsequently, it revealed that by playing fraud land was got registered in the name of Vishnuram Dadsena and Suraj Nishad had accompanied initially Ashwani Dadsena.

5. Learned counsel for the applicants submits that initial sale deed was of 2006, after 11 years alleged report was made. He submits that there is no evidence on record to show that husband of Pemin Bai was not mentally fit and thereafter after purchase mutation was also made, therefore the applicants may be released on bail.

6. Learned State counsel opposes the prayer for grant of bail.

7. Perused the case diary and the documents. Case diary contains sale deed which was of the year 2006. It appears that evidence has already commenced, therefore I am not inclined to extend anticipatory bail to the applicant Vishuram Dadsena in M.Cr.C. (A) No.733/2017.

8. Accordingly, M.Cr.C. (A) No.733/2017 is dismissed. However, it is directed that the applicant Vishuram Dadsena may surrender and apply for regular bail before the concerned trial Court. On such application being filed, the concerned Court shall consider and decide the same on merits as early as possible and preferably on the same day.

9. In respect of applicant Suraj Nishad in M.Cr.C. No.6617 of 2017 taking into nature of evidence available against him and he is in jail since 26/06/2017, this court is inclined to release applicant **Suraj Nishad** in **M.Cr.C. No.6617 of 2017** on regular bail.

10. Accordingly, **M.Cr.C. No.6617 of 2017** is allowed and it is directed that the applicant **Suraj Nishad** shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of concerned trial court for his regular appearance before
it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE

gouri