

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4274 of 2017

1. Rakesh Sharma S/o S. M. Sharma, Aged About 44 Years R/o Village Bajpai Caisal, Amaltas Colony, Narmada Nagar, Bilaspur Tahsil & District Bilaspur Chhattisgarh
2. Smt. Sarita Sharma, W/o Shri Rakesh Sharma, Aged About 42 Years R/o Village Bajpai Caisla, Amaltas Colony Narmada Nagar, Bilaspur Tahsil & District Bilaspur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Thana Kota, District Bilaspur Chhattisgarh

---- Respondent

And

MCRC No. 5803 Of 2017

- Virendra Bahadur Singh S/o Late Shri Ram Singh Tanwar Aged About 50 Years R/o Village Billibandh, Presently Residing At Nature City, Sakri, District Bilaspur.

---- Applicant

Vs

- State Of Chhattisgarh Through The District Magistrate, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Dr. N.K. Shukla, Sr. Advocate with Mr. Sanjay Agrawal and Mr. Amrito Das, Advocates.
For Respondent/State	:	Mr. Neeraj Jain, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

1. Since the both bail applications arise out of the same crime number,

they are being disposed of by this common order.

2. Heard on applications under Section 439 of Cr.P.C. for grant of bail.
3. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 258/2016, registered at Police Station- Kota, District – Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468 and 471/34 of Indian Penal Code (for short 'IPC').
4. Learned Senior Counsel for the applicants submit that applicants are innocent and have been falsely implicated in this case. Applicant Sarita Sharma and Rakesh Sharma are Builders. Applicant Sarita Sharma had been the registered owner of the lands situated in Village- Ranisagar, out of which 2.35 acre land was sold to complainant Sunita Shah by way of registered sale-deed dated 25.3.2010. The registered sale-deed contains the details of Khasra numbers of the agriculture land, which was not diverted at that point of time. The land has been mentioned as Plot Nos.-17, 18, 19 and 20. The purchaser of the land got demarcated the land through the Revenue Department and as per demarcation report, the land demarcated by the department bears different Khasra numbers from that of mentioned in the sale-deeds. Khasra numbers mentioned in the sale deed were found to be differently placed. It was on this ground and some part of the land belonging to other persons were also found included in the plot numbers, as mentioned in the sale-deed. On the basis of this report, the complainant has filed the complaint which has been registered, investigated and charge-sheet has been filed. It is further submitted that applicant No.1 had been the owner of the lands khasra numbers

of which are mentioned in the sale-deed. It is submitted that as per the case, the plot number and Khasra numbers have not tallied. This is the matter of purely civil nature and therefore a civil Suit has been filed by applicant No.1 Sarita Sharma before the civil Court and in which, it has been pleaded that applicants are ready to compensate the purchaser of the land. It is further submitted that the demarcation was done without notice and in absence of the applicant after a delay of 6 years. It is submitted that applicants are in jail since 11.5.2017 and the case is triable by Judicial Magistrate First Class, hence, prayed that the applicants be enlarged on bail.

5. Learned counsel for applicant-Virendra Bahadur Singh submits that applicant in his capacity as Patwari submitted 22 points report in accordance with the entries in the revenue records. There is no challenge by the prosecution or the complainant side that report so submitted by the applicant was incorrect, erroneous or forged in any manner. Applicant has been falsely roped in this case without there being any criminality on his part. Applicant is in jail since 12.7.2017, hence, prayed that the applicant be enlarged on bail.
6. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per complaint made by complainant Sunita Shah, applicants have acted fraudulently in this case by inducing her to buy a property allegedly belonging to applicants Sarita Sharma & Rakesh Sharma, which otherwise does not exist at the site shown to the complainant. It is also submitted that applicant Virendra Bahadur Singh equally played a role in submitting 22 points report showing incorrect khasra numbers of the land sold to the complainant by applicants Sarita Sharam & Rakesh Sharma. Hence, prayed that the

applicants are not entitled for grant of bail.

7. Heard both the parties and perused the case diary.
8. Considering the submissions made and the contents of the case diary, particularly the nature of allegations against the applicants and that the offence is triable by the Magistrate and further considering that the trial of the case is likely to take some time, this Court is of the opinion that both applications deserve to be allowed.
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge