

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4297 of 2017

Museeb Khan, S/o. Peer Khan, Aged about 40 years, R/o. Sindhiya Nagar,
Durg, Tehsil & District Durg, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. H.S.Ahluwalia, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.07.2017

1. This is the second 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.734/2016 registered at Police Station- Durg (C.G.) for the offence punishable under Section 420, 120-B, 34 of Indian Penal Code. The first bail application was dismissed as withdrawn on 15.06.2017 in MCRC No.3617 of 2017 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, a complaint was made by Praveen Kumar Mishra that he purchased a land bearing Khasra No.34/2 area 0.035 hectare in the year 2010 from one Godawari Bai for Rs.6,59,000/- at Tahsil & District Durg. Subsequently, it was sold to Aditya Prakash on 13.07.2015 and Aditya Prakash thereafter came to know on the report of the Revenue Inspector that no land is existing bearing such Khasra number on the spot. Therefore, initially Aditya Prakash had filed a complaint wherein the first complainant Praveen Mishra was arrested and thereafter he was

enlarged on bail. He filed another complaint that the land was purchased at the behest of the present applicant and others and initially fraud was played on him, therefore, the offence has been committed.

3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet and now the charge sheet has been filed. He submits that no further investigation is necessary, applicant has not committed any offence and only oral allegations have been clamped, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The charge sheet in this case has been filed. Considering the nature of evidence available and the fact that the evidence appears to be documentary in nature, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge