

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 135 of 2018

Amar Lal Patel, S/o. Late Shicharan Patel, Aged About 52 Years, Occupation Government -Service, R/o Village Tikalipara (Khamharpara) Post- Himgir, District -Sundargarh (Odisha)

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate, Raigarh Chhattisgarh.

---- Respondent

M.CR.C.(A). No. 1148 of 2017

Ramnath Baiga, S/o. Shri Jag Singh Baiga, Aged About 39 Years, Caste – Manjhar, Occupation- Agriculturist, R/o. Village Nagdarha, Police Station and Tahsil- Dharamjaigarh, Distt.- Raigarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station : Dharamjaigarh, Distt. -Raigarh, Chhattisgarh

---- Respondent

AND

M.CR.C. No. 1153 of 2018

Charan Manjhar, S/o. Mohit Manjhar, Aged About 30 Years, R/o. Village Poriya P. S. and Tahsil Dharamjaigarh, District -Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District -Raigarh Chhattisgarh.

---- Respondent

For Applicants	: Mr. Raghavendra Pradhan, Advocate Mr. Neeraj Kumar Mehta, Advocate Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/03/2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same crime number, they are heard and disposed of by this common order.
2. The bail applications of applicant- Amar Lal Patel in MCRC No.135 of 2018 and applicant – Charan Manjhwari in MCRC No.1153 of 2018 are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.217/2017, registered at Police-Station Dharamjaigarh, District– Raigarh (C.G.) for the offence punishable under Sections 417, 418, 419, 420, 467, 468, 469, 470, 471, &120-B/34 of the Indian Penal Code.
3. The applicant – Ramnath Baiga in MCRC(A) No. 1148 of 2017 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.217/2017 registered at Police Station- Dharamjaigarh, District – Raigarh (C.G.), for the offence punishable under Sections 417, 418, 419, 420, 467, 468, 469, 470, 471, 120-B/34 of the Indian Penal Code for grant of anticipatory bail.

4. Learned counsel for the applicant – Amar Lal Patel (in M.Cr.C. No.135/2018) submits that the applicant has been falsely implicated in this case. He is in jail since 20.11.2017. Presently the case is before the trial Court and trial of the case is likely to take sometime for its conclusion, therefore, it is prayed that the applicant may be enlarged on regular bail.
5. Learned counsel for the applicant – Ramnath Baiga (in M.Cr.C.(A) No.1148/2017) submits that this applicant had not been a part of conspiracy and he has been roped in only because he was present along with the main accused persons and the evidence that the applicant received Rs.60,000/- from the complainant does not show that the amount was given on demand made by him and further he has passed that amount to the main accused person. Hence, it is prayed that the applicant – Ramnath Baiga be benefited with grant of anticipatory bail.
6. Learned counsel for the applicant – Charan Manjwar (in M.Cr.C. No.1153/2018) submits that the only role attributed to this applicant is that he is identifying and attesting witness and he had no knowledge that the registration of sale deed was fraudulent. It is further submitted that this applicant is in jail since 05.09.2017 and the case against him is likely to take sometime for its conclusion, therefore, it is prayed that the applicant may be enlarged on regular bail.
7. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the applicant Amar Lal Patel is the main conspirator in this case along with other co-accused Saheb Ram, who induced the complainant – Set Ram

Chaudhary to purchase the land which belongs to Ramchandra. Applicant -Ramnath Baiga was present, when the land in question was shown to the purchaser, Lakhan Prasad impersonated as the owner Ramchandra at the time of registration of sale deed in presence of these applicants. Hence, all the applicants are equally responsible in conspiring for commission of offence as alleged. Hence, no case is made out for grant of regular as well as anticipatory bail.

8. I have heard the learned counsel for both the parties and perused the case diary.
9. According to the prosecution case, Saheb Ram Chaudhari and Amar Lal Patel induced the complainant Setram Chaudhari to purchase the land belonged to the real owner Ramchandra and on that inducement, the sale deed was executed and as a result of this conspiracy, a sum of Rs.22.00 Lakhs was paid by the complainant as consideration, which has been received by the accused persons in various accounts.
10. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary as it appears that all these applicants have no criminal antecedents and presently the case is pending before the trial Court and no purpose would be served if they kept in detention, I am of this view that applicant- Amar Lal Patel in MCRC No.135 of 2018 and Applicant – Charan Majhar in MCRC No.1153 of 2018 deserve to be enlarged on regular bail and applicant in MCRC(A) No.1148 of 2017 also deserve to be enlarged on anticipatory bail.
11. Accordingly, both the regular bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that applicant- Amar Lal Patel in

MCRC No.135 of 2018 and Applicant -Charan Manjwar in MCRC No.1153 of 2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

12. Likewise, the anticipatory bail application of applicant in MCRC(A) No. 1148 of 2017 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge