

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2040 of 2018

- Tarun Patil S/o Nanhu Ram Patil Aged About 38 Years R/o- Village- Rakhi, Tahsil- Patan, District-Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/05/2018

1. This is the first 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.86/2016, registered at Police Station–Patan, District– Durg(C.G.) for the offence punishable under Section 420, 406, 467, 468 & 471 of Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 21.6.2016. No case is made out against him. The case is pending before the trial Court and the trial is likely to take some time before its conclusion. Hence, it is prayed that he may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant has criminal antecedents having one case of proceedings of CrPC and he has also

been prosecuted in the offence under Section 302 of IPC on earlier occasion. Hence, he is not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. According to the prosecution case, this applicant transferred the land of his ownership in favor of complainant Kasturi Bai on 28.10.2013 by a registered sale-deed, as the records were not mutated, taking benefit of this situation this applicant made a resale of the said land to another person Motilal Chandrakar on 22.10.2014 by a registered sale-deed. FIR was lodged by Kasturi Bai. Hence, this case.
6. After considering on all the material present in the case diary, counsel for applicant has submitted that a compromise has been entered between the applicant and the complainant in this case and this fact has been stated before the Court by the complainant, the first purchaser of the disputed land and by Motilal Chandrakar, the subsequent purchaser of the disputed land. Certified copy of the deposition of Kasturi Bai and Motilal Chandrakar is filed along with the application. On there perusal, the statement of compromise between the parties finds support. Hence, under these circumstances, I am of this opinion that applicant deserves to be granted regular bail during the pendency of the trial against him.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

