

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4787 of 2018**

- Shiv Prasad Soni S/o Shri Mahesh Prasad Soni Aged About 52 Years R/o- Village Lingiyadih, Rajeev Vihar P.S. Sarkanda, District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station Sarkanda, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anand Mohan Tiwari, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/09/2018**

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 on 25.05.2018 in connection with Crime No.312 of 2017 registered at Police Station Sarkanda (CG) for the offence punishable under Sections 420, 467 & 468 IPC.
2. As per the prosecution case, a complaint was lodged by one R.K. Soni that he had purchased part of land bearing Khasra No.485, 484/3, 484/1 and 484/2 in the name of Jitendra Soni and Umesh Soni by sale deed dated 27.09.2014 and 31.10.2014 and 30 decimal land was purchased for a consideration of

Rs.14,64,000/-, thereafter, when the land was to be demarcated and identified it did not match when the demarcation was carried out and the land itself was not identified. Consequently, a report was made and thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the subject land was part of Khasra No.484/16 and a larger chunk of 2 acers of land was purchased and Ramesh Soni also purchased the adjacent land and further registration was done. It is further submitted that on the basis of the demarcation report, the case is made out, however, the demarcation report would show that it was without any notice to the applicant, therefore, it do not have any authenticity. He further submits that the charge-sheet in this case has been filed, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel vehemently opposes the prayer for grant of bail and submits that the identity of the land did not match and the statements would show that certain amount in cash as well as by way of cheque was paid. It is further submitted that the land which was not existing, the sale deed was executed in respect of the subject land.
5. Perused the documents and the case-diary. It appears that the identity of the land itself is in question. The date of incident is said to be in the year 2012 and the report was made in the year 2017. The voluminous documents and the statements are perused. Considering the same and the fact that all the evidence appears to be documentary in nature and further taking into that the charge-sheet in this case has been filed and the applicant is in jail since 25.05.2018, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu