

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5056 of 2018**

Smt. Mamta @ Babli W/o Ashwani Dadsena Aged About 47 Years R/o Sunder Nagar, Amarpuri Chowk Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent**And****M.Cr.C. No. 4293 Of 2018**

Daneshwar Sharma S/o Niranjana Sharma Aged About 30 Years R/o- Village Ghughava, (Karsha), Tehsil Patan And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Vs**

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

---- Respondent

For the Applicants : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them who have been arrested in connection with Crime No.110 of 2017, registered at Police Station Amleshwar, District –

Durg, Chhattisgarh for the offence punishable under Sections 420 and 120B of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 15.3.2018 and they have been falsely implicated in these cases. No case is made out against the applicants in both the cases on the basis of the material placed before the Court by the prosecution. The claim made by complainant – Ganesh that the land bearing Khasra No. 379 measuring 0.85 hectares belongs to his father is not supported by any documentary evidence whereas, the land that was transferred by these applicants was recorded in their names in the revenue records. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is statement of Sarpanch of the Gram Panchayat, Amleshwar that the land in question belonging to the father of the complainant had been fraudulently mutated by these applicants which has been sold out. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the land in question was allotted in lease by the State Government to father of the complainant. Later on, the land was fraudulently mutated in the name of the accused persons which

was then sold out to different persons. On a complaint made by complainant – Ganesh, the FIR has been lodged against these applicants and the other co-accused persons. Hence, this case.

6. Considered the material present in the case-diary. It appears that there is no documentary proof in support of the claim made by the complainant in the case-diary and as submitted by counsel for the applicants that the said proof is not available. Hence, under these circumstances, these applications deserve to be allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge