

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5657 of 2018**

Shrirang Bobde S/o Late Champatrai, Aged About 55 Years R/o- Flat No. 403, Karbala Road, Saptshringi Apartment, Police Station- City Kotwali, Bilaspur, Tehsil, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Civil Lines, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Adil Minhaj, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 404/2015 registered at Police Station Civil Lines, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 420, 120B read with 34 of IPC.
3. Case of the prosecution, in brief is that land bearing Khasra No. 199/02, measuring 2.60 acres is situated at village Pendridih, District Bilaspur (C.G.). The owner of this land is the Waqf Board. Applicant and co-accused Shiv Kumar @ Jawahar Saraf knowingly that the land belongs to the Waqf Board fraudulently and dishonestly sale the said land to the complainant Ramavtar Agrawal and received from Rs. 24 Lakhs as consideration.
4. Learned counsel for the applicant submits that earlier he had purchased the said land from Rafique Ahmad Khan verifying the revenue record. He

was the *bonafide* purchaser. Applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. As per the order of Hon'ble Supreme Court dated 11/04/2018 passed in SLP (Crl.) No. 6821/2017 and SLP (Crl.) No. 2594/2018, the interim anticipatory bail of co-accused Shiv Kumar @ Jawahar Saraf is made absolute and anticipatory bail of present applicant was rejected on the ground that he is declared proclaimed absconder.
7. Looking to this fact that co-accused Shiv Kumar @ Jawahar Saraf has already granted anticipatory bail by Hon'ble Supreme Court and present applicant is in custody, the case of the present applicant is not more severe than the co-accused Shiv Kumar @ Jawahar Saraf.
8. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 50,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge