

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7163 of 2017

1. R. S. Nair @ R. Shashidharan Nair S/o K Ram Krishnan Nair (Malyali), Aged About 73 Years, R/o Sector -1-A, Market Plot No.102/E, Police Station Bhilai Bhatthi, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

And

MCRC No. 7388 of 2017

1. S. Sudhakar Rao S/o Late S. Shriniwas, Aged About 65 Years, R/o Block-D Flat No.-42, Chouhan Green Vally, Junwani, Police Chowki Jevra, Sirsa , District Durg Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

And

MCRC No. 7457 Of 2017

1. T. R. Shashi Kumar S/o T.S. Raman, Aged About 67 Years, R/o Tegampulli, House-Karvinnur District Trishul Kerala

---- Applicant

Vs

1. State Of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh

---- Non-applicant

For Applicant – Shri Goutam Khetrapal, Advocate (in MCRC No.7163/2017 MCRC No.7457/2017),
Shri Manoj Chouhan, Advocate (in MCRC No.7388/2017).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-01-2018

1. As these three MCRC arise out of the same crime number, i.e., Crime No.126/2017 registered at P.S. Jamul, District Durg, C.G. for the offence under Section 420, 467, 468, 201, 409, 471, 120-B, 34 of the IPC and Section 292

(C)(3) of Chhattisgarh Municipal Corporation Act, 1956, they are being decided by this common order.

2. Heard on these applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. The applicant in MCRC No.7388/2017 has been arrested on 02-08-2017, the applicant in MCRC No.7163/2017 has been arrested on 01-08-2017 and the applicant in MCRC No.7457/2017 has been arrested on 26-07-2017 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants are innocent and have been falsely implicated in this case. The applicants are of old age. The incident reported against them is of the year 1986 and the offence as alleged to have been committed by these applicants is not made out on the basis of the material placed on record of the charge sheet. The allegations against the applicants that they in capacity of office bearers of Priyadarshani Grih Nirman Sahkari Samiti had in violation of rules to preserve and develop plots and areas for the economically weaker section of the society sold out plots in excess to various members of the society cannot be held as a ground to prosecute them. The applicant in MCRC No.7388/2017 is in jail 02-08-2017, the applicant in MCRC No.7163/2017 is in jail since 01-08-2017 and the applicant in MCRC No.7457/2017 is in jail since 26-07-2017. They are ready to abide by all the conditions imposed on them on grant of bail. Hence, it is prayed that the applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that the offence registered against the applicants are of grave nature. The applicants have sold out the land reserved for economically weaker section of the society, road and open place in blatant disregard to the rules and regulations in the Municipal Corporation Act. There is prima facie a case against the applicants. Hence,

they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Complainant G.S. Tamrakar, Officer of Municipal Corporation Bhilai has filed a written complaint against the applicants alleging that the applicants have in the capacity of the office bearers obtained land to develop plots and sold the same to the members of the housing society. According to the requirement of rules, 1.53 acres land was required to be reserved for the economically weaker Section of the society, which was not reserved and sold out, thus, violated the rules laid down in this respect. On the basis of this information given, the FIR has been registered.

7. Considered on the submissions made and contents of the case diary. The rule that has been violated is provided in Rule 10 of the Chhattisgarh Nagar Palika (Registration of Coloniser Terms and Conditions) Rules, 1998. The society represented by the applicants appears to have colonizing licence. After overall consideration of the facts and circumstances of this case, I am of this view that the applicants are entitled for grant of regular bail in the present matter.

8. Consequently, the applications (MCRC No.7163/2017, MCRC No.7388/2017 and MCRC No.7457/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge