

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7595 of 2017

Baran Singh @ Nanhi S/o Shri Sant Ram, Aged About 25 Years Wrongly Mentioned As 31 Years In The Bail Rejection Order Annexure A - 1 , Caste - Gond Scheduled Tribe, R/o Village Saila, Tahsil Pali, District Korba, Presently Residing At Bhawani Temple, Jogia Dera, Darri, Police Station Balco Nagar, Tahsil Korba, District Korba, Chhattisgarh., Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Police Out Post Rampur of The Police Station City Kotwali Korba, Tahsil And Civil And Revenue District Korba, Chhattisgarh., Chhattisgarh --- **Respondent**

For the applicant : Mr. Yuddhveer Singh, Advocate.
For the State : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2018

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 373 of 2017 registered at Police Station City Kotwali, Korba (Police Out Post Rampur), Distt. Korba (C.G) for the offences punishable u/ss 420, 294, 506, 109/34 of IPC,
2. As per the prosecution case, a report was made by Sukhlal Singh Kanwar on 11.05.2017 that he was holding a land at village Podibahar and co-accused Narayan Singh by pressurizing him got the sale deed executed in the name of different purchasers. Likewise

certain lands were also got executed in the name of present applicant by way of pressure made by Narayan Singh and he has not received the remaining sale consideration. It is further submitted that Narayan Singh has executed different sale deeds and obtained money.

3. Learned counsel for the applicant referred to agreement of sale and submits that an amount of Rs.5 lakhs was paid as sale consideration and the complainant who is a retired Patwari, has dealt with sale transactions of the land through out his life, therefore, it cannot be accepted that the complainant is not able to understand the transaction. He further submits that even otherwise the allegations do not constitute the offence which is arising out of a sale transaction, therefore, no criminality can be attributed to the applicant. It is also submitted that the appellant is in jail since 09.11.2017 and he may be released on bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of complainant Sukhlal Singh. Considering the statement and the nature of allegations, it appears that out of sale transaction, an agreement was entered and the payment of amount was made and subsequently the report was made. Taking into such facts situation of the case and the nature of transaction, I am inclined to allow this bail application.
6. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with

one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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