

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7951 of 2018**

1. Phool Sai S/o Ramnath Aged About 60 Years Caste Yadav
2. Prahlad S/o Mayaram Aged About 57 Years Caste Suryawanshi

Both are R/o Village Sendripali (Wrongly Mentioned Sendipali, In The Order Sheet), Police Station Pali, District Korba Chhattisgarh

3. Manohar Lal Suryawanshi S/o Nakul Suryawanshi Aged About 52 Years Caste Suryawanshi R/o Village Ranjana, police Station Pali District Korba Chhattisgarh.
4. Ramnath S/o Budhram Aged About 45 Years Caste-Suryawanshi R/o Village Mudhali, Police Station Dipka, District : Korba, Chhattisgarh

---- Applicants**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Pali District Korba Chhattisgarh.

---- Respondent

For Applicants	Shri Awadh Tripathi, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Order On Board**By****Prashant Kumar Mishra, J.****13/11/2018**

1. Heard.
2. The applicants have preferred this fourth bail application filed under Section 439 of the Cr.P.C. for grant of regular bail as

they are arrested in connection with crime No.03/2017 registered in Police Station Pali, District Korba, for the offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code.

3. About 41.40 acres of Government Forest land has been fraudulently entered in the names of Phool Sai, Prahlad, Manohar Lal, Ramnath, Parasram Rathore & Jaynath. This was done in connivance with the Halka Patwari co-accused Sultan Singh Banjara and thereafter, the lands were sold to different individuals to whom another co-accused Umesh informed that the subject land is available for purchase.
4. Learned counsel appearing for the applicants would submit that it was Umesh Gupta, the Survey Officer of the SECL, who has received the amount of sale consideration and the said Umesh Gupta having been released on bail by the Court below, the applicants are also entitled for bail.
5. Umesh Gupta is not an officer of the State Government. He was not in possession of the revenue records for fraudulent manipulation to enter the names of the present applicants as owners of the Government Forest land and, as such, case of the applicants is distinguishable than the case of Umesh Gupta. Applicants had executed the sale deed in favour of the purchasers knowing fully well that the land does not belong to them.
6. Having heard learned counsel appearing for the parties and particularly considering the fact that whopping area of the Government Forest land having been disposed of fraudulently in connivance with the Halka Patwari, the present not considered to be a fit case to extend the benefit of the

provisions of Section 439 of the Cr.P.C. to the applicants.

7. In the result, the bail application is liable to be and is hereby rejected. However, the trial Court is directed to make all possible endeavour to conclude the trial at the earliest.

Sd/-

Judge
Prashant Kumar Mishra

Gowri