

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9263 of 2018**

1. Virendra Sahu @ Dholu, S/o. Gopal Sahu, Aged About 39 Years, R/o. Village Utai Bazar Chowk Road, Police Station Utai, Tehsil and District Durg Chhattisgarh.
2. Yashwant Sahu, S/o. Late Shri Shiv Prasad Sahu, Aged About 45 Years, R/o. V.I.P. Nagar Bhilai, Tehsil and District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Utai, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. Goutam Khetrapal, Advocate with Mr. Avinash Chand Sahu, Advocate
For State/respondent	: Mr. Avinash K. Mishra, P.L.
For Objector	: Mr. Jaideep Singh Yadav, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/12/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.132/2017, registered at Police Station – Utai, District – Durg (C.G.), for the offence punishable under Section 420, 467, 120-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are the land brokers and they have not committed any offence as alleged in the FIR lodged against them. In fact the land that was sold to the complainant has been encroached by the neighbourer land owner,

regarding which civil suit is filed and pending, hence, it is not a case that the land was not in existence at the time of sale. The applicants have performed their part in the transaction in a very bonafide manner. Hence, it is prayed that the applicants may also be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicants, had received money in the sale transaction and they have induced the complainant/purchaser to purchase the land from the co-accused Rupendra Sahu knowingly that the land was not existing and the complainant is being cheated, therefore, clear case is made out against them. Hence, the application be rejected.
4. Counsel for the objector after adopting the arguments advanced on behalf of the State submits that both the applicants are working as property agents in the concern styled as Sai Properties. It was on their inducement, the complainant made purchase of the disputed land. To convince the complainant, the applicants had referred and shown forged layout and other document of the said plot of land. According to the report of revenue officer, the land bearing Kh. No.599/11 belongs to Mr. Shrivastava and the same land was again sold to the complainant. The applicants have been constantly approaching the complainant to compromise and also threatening him with dire consequences. M.Cr.C. (A) No.369/2017 was rejected by this Court in which it was observed that strong case was made out against the applicants and co-accused Rupendra Sahu. Rupendra Sahu has been granted bail by this Court vide order dated 13.12.2017 in M.Cr.C. No.7223/2017 in which, the Court has observed that the case is made out against these applicants. Therefore, under these circumstances, it is submitted that

the applicants are not entitled for grant of bail.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case against this applicant is this that in the year 2011, both the applicants approached the complainant Kailash Rajput offering him to make purchase of plot stating that the land is approved by Town Planning and some layout map was also shown to him. It is alleged that the complainant got induced and after negotiating the price, sale deed was executed on 03.06.2011 in which the full consideration was paid to both these applicants. Later on the complainant got the purchased land demarcated and it was reported that the land was not to be found on the spot, hence, this case.
7. Considered on the submissions made and the contents of the case diary. The sale deed dated 03.06.2011, shows Reupendra Kumar Sahu is the vendor from the person, who has received consideration for the plot sold. It is clear that the location of the land in question is in dispute. The case is still under investigation but subsequent to arrest and detention of the applicants since 05.11.2018, it appears that there are no requirement of continuous detention of the applicants and investigation may proceed till the filing of the charge-sheet. Hence, considering this fact that no purpose would be served, if the, applicants are kept in continuous detention and that they do not have any criminal antecedents, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicants shall be released on bail on their 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram