

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 974 of 2019

- Santosh Sahu S/o Late Mansha Ram Sahu, aged about 50 years, R/o Bachhera Para Tifra, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through SHO, Police Station – Chakarbhata, District- Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Om Prakash Sahu, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/03/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 202/2008, registered at Police Station Chakarbhata, District- Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120 B & 34 of the IPC.
2. As per prosecution story, the applicant is a colonizer, he entered into an agreement with the land owner/co-accused Bundi Bai for development of a colony, subsequently to the execution of the said agreement, the disputed land was sold by Bundi Bai to complainant Anil Kumar Malhotra with the registered sale deed. It is further alleged that prior to that, the same land was already sold by Bundi Bai to one RK Chirkar and RK Chirkar obtained loan on the disputed land from the bank. Subsequently, when the bank initiated recovery proceedings against the earlier purchaser i.e. RK Chirkar and started auction proceedings of the aforesaid land. When the complainant came to know this fact, he made a report. On the basis of said report, offence

has been registered. The applicant is in custody since 14.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. On the basis of evidence collected by the prosecution prima facie there is no offence can be made out against the present applicant. In this case the only roll played by the applicant is that he entered into an agreement with co-accused Bundi Bai for developing a colony. He further submits that co-accused Bundi Bai has already granted benefit of bail, the applicant is in custody since 14.10.2018, charge-sheet has already been filed and trial will take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that co-accused Bundi Bai has already granted benefit of bail, the applicant is in custody since 14.10.2018, charge-sheet has already filed and trial will likely to take some time. Without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge