

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9661 of 2018

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

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. OP Sahu, Advocate.

For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/01/2019

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. 88/2008, registered at Police Station – Chakarbhata, District- Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 34 of the IPC.
2. As per prosecution story, 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 Boondi Bai through co-accused persons Shaantanu Choudhary and Sudeep Mukharjee to the complainant Raida Tirki with the registered sale deed. Raida Tirki borrowed the loan from the bank for construction the house over the said land. It is further alleged that prior to that, the same land was already sold by Bundi Bai to one

R.P. Gupta and when complainant Raida Tirki came to know this fact, she asked for returning back her money and when the co-accused persons refused to give her money back, she made a report. On the basis of her 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 the co-accused Bundi Bai for developing a colony. He further submits that earlier also he has been arrested in connection with crime no. 316/2007, registered at police station Chakarbhata, Bilaspur (C.G.) and was granted benefit of regular bail vide order dated 13.08.2008 passed in MCRC No. 775/2008. The applicant did not know the fact that prior to this case (Crime No. 316/2007) any of the case has been registered against him. He 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 the other co-accused persons have 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