

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8183 of 2019**

- Gokul Sahu S/o- Late Fdguwa Sahu Aged About 55 Years R/o- Telibandha, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through, P.S. Khamhardih District- Raipur, Chhattisgarh.

---- Respondent

MCRC No. 379 of 2020

- Utpal Bhattacharya S/o Late Shri S.K. Bhattacharya Aged About 48 Years R/o Shubham Vihar, Avanti Vihar, Police Station Telibandha, Raipur , District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamhardih, District Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. F.S. Khare, Mr. Amiyakant tiwari & Mr. Galib Dwivedi, Advocate.
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.
For Objector	:	Mr. Chakresh Tiwari, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2020**

- The accused/applicants have moved these first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 49/2019 registered at Police Station - Khamhardih, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.
- The prosecution story in nutshell is that, complainant Manoj Kumar Valecha and Sevakram lodged a written report alleging therein that applicant Gokul Ram Sahu sold their land to co-

accused Jaiprakash and Maya Masand, showing himself the owner of the land. Thereafter, Jaiprakash and Maya Masand sold the land to Anamika & Pranav. During the investigation applicant Utpal Bhattacharya was included in the present case. Thereafter, offence has been registered against them, and they have been arrested.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the sole dispute is about the land having Khasra No. 720 area 49 dcml. The aforesaid land with other khasra numbers were purchased long back 8in the year 1971 by the mother of Gokul Sahu/ applicant namely Fulvati from one Maina Bai. He next submits that if the case of the prosecution is accepted as it is then also no charge against the applicant Utpal Bhattacharya is made out. Applicants namely Gokul Sahu & Utpal Bhattacharya are in jail since 28.11.2019 & 06.12.2019 respectively and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
- On the other hand, counsel for the State as well as counsel for the objector oppose the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration t`he nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the fact that the offence is triable by Judicial Magistrate First Class and the charg-sheet has been filed, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu