

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1217 of 2021

- Navin Jain, S/o Late Shri Ashok Jain, Aged About 32 Years, R/o Ward No. 15, Tikripara, P. S. and Tehsil Chhuikhadan, District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through: The Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

MCRC No. 1463 of 2021

- Basant Rao, Marutkar (Wrongly Mentioned as Basantram in the order sheet) S/o Late Purushottam Rao Marutkar (Wrongly Mentioned as Purushottam Ram Marutkar in the order sheet) Aged about 65 years 7 Months (Wrongly Mentioned as 64 years) R/o Village Laxmanpur, Chhuikhadan, Police Station and Tahsil Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station-Chhuikhadan, District- Rajnandgaon Chhattisgarh (As Per Remand Form), District : Rajnandgaon, Chhattisgarh.

---- Non-Applicant

MCRC No. 2113 of 2021

1. Gyaneshwar Marutkar, S/o Chandrakumar Marutkar, Aged About 48 Years, R/o Village Laxmanpur, Tahsil Police Station Chuikhadan, District Rajnandgaon Chhattisgarh.
2. Deepak Marutkar, S/o Chandrakumar Marutkar, Aged About 45 Years, R/o Village Laxmanpur, Tahsil Police Station Chuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Chuikhadan, District- Rajnandgaon, Chhattisgarh (As Per Remand Form), District : Rajnandgaon, Chhattisgarh. **---- Non-**

Applicant

MCRC No. 2346 of 2021

- Arun Marutkar, S/o Late Purushottam Rao Marutkar, Aged About 68 Years, R/o Shakti Mandir Marg, Suryatota Gondia, District-Gondia, Maharashtra. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicants :Shri Anuroop Panda, Shri Abhishek Sharma, Advocates

For Non-Applicant/State : Shri Vimlesh Bajpai, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.04.2021

Heard.

- 1) As all these bail applications arise out of the same crime number they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No.22/2021 registered at Police Station-Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code.
- 3) Case of the prosecution is that complainant Nandchand Banjare lodged written report at the office of Superintendent of Police, Rajnandgaon, stating that the applicant Navin Jain (broker) alongwith the other applicants committed fraud and sold the land belonging to other person by saying that they are original owner of the land situated at village Baghmarra admeasuring 4.99 acre for a consideration of Rs. 29,04,000/- and for that he

(complainant) paid registry stamp duty to the tune of Rs. 15,00,000/-.

- 4) Learned counsel for the applicants jointly submits that the applicants have been falsely implicated in the crime in question, the land in question is ancestral property of the applicants and being a coparceners they have sold the property and still the land is there on the spot. In the revenue records i.e. Annexure A-3 and Khasra Map name of minor son Atulya of the complainant is there. The dispute between the parties is only with regard to demarcation of the land. The sale deed executed on 13.08.2018 and FIR was lodged on 25.01.2021, charge-sheet has already been filed. Learned counsel for the applicants further submits that the applicants have no criminal antecedent except one criminal incident of applicant Navin Jain, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedents except applicant Navin Jain, who has one criminal antecedent.
- 6) True/certified copies of revenue records being filed B-1 Kist Bandi Khatauni of the year 2019-20, Khasra Panchshala of 2020-2021, Khasra Map Annexure A-3 and revenue records of Patwari Halka No.20 and R.N.M. Chhuikhadan village Baghmari of the year 1961 to 1986, 2001 to 2002 and 2005 to 2006 have been filed alongwith covering memo.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, dispute being civil in nature, the fact that in revenue records name of the complainant has been mentioned, dispute between the parties is regarding demarcation of land, names of the applicants excluding applicant Navin Jain are also mentioned in revenue records, charge-sheet

has already been filed, the detention period of the applicants, the fact that the applicants have no criminal antecedents except one criminal antecedent of Navin Jain who works as land broker, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the applications are allowed.

8) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge