

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6583 of 2021

1. Krishna Kumar Marutkar S/o Late Shri Chandra Kumar Marutkar, Aged About 49 Years, R/o Village Laxmanpur P.S. And Tahsil Chhuikhadan, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, P.S. Chhuikhadan, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rishi Rahul Soni, Advocate.
For Non-Applicant/State	: Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27/01/2021 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 read with Section 34 of Indian Penal Code.
- 2) Case of the prosecution is that complainant Nandchand Banjare lodged written report at the office of Superintendent of Police, Rajnandgaon, stating that co-accused namely Navin Jain (broker) alongwith present applicant and the other co-accused persons 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/-.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, the land in question is ancestral property of the applicant & other co-accused persons and being a coparcener they have sold the property and still the land is there on the spot. In the revenue records 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. He submits that co-accused namely Navin Jain in M.Cr.C. No. 1217 of 2021, Basant Rao Marutkar in M.Cr.C. No. 1463 of 2021, Gyaneshwar Marutkar & Deepak Marutkar in M.Cr.C. No. 2113 of 2021 & Arun Marutkar in M.Cr.C. No. 2346 of 2021 **and** Smt Rekha Marutkar @ Vinita Dange in M.Cr.C. No. 3420 of 2021 have been granted regular bail by this Court vide order dated 08.04.2021 and 11/06/2021 respectively. He further submits that co-accused Hileshwari Thakur has already been granted anticipatory bail in MCRCA No. 254 of 2021 by the co-ordinate Bench of this Court vide order dated 17/05/2021. He submits that applicant is in jail since 27/01/2021 and charge sheet has already been filed. He further submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. He further submits that applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering 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 applicant and the other co-accused persons excluding co-accused Navin Jain are also mentioned in revenue records, in particular the fact that co-accused persons have already been released on bail by this

Court and Co-ordinate Bench of this Court, there is no substantial progress in the trial due to COVID-19 Pandemic disposal of trial is likely to take some time, the detention period of the applicant who is 49 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the application is **allowed**. It is directed that in the event of the applicant 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, he shall be released on bail on the following conditions:-

- i. he 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,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge