

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4252 of 2015**

- Sushil, S/o Tilku, aged about 34 years, Caste – Satnami, Occupation – Kotwar, R/o Village Piparbhattha, Police Station – Bemetara, Tahsil, Civil and Revenue District Bemetara (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Police Station Bemetara, Civil and Revenue District Bemetara (C.G.)

---- Non-applicant

For Applicant:	Mr. P.P. Sahu, Advocate.
For Non-applicant/State:	Mr. Anupam Dubey, Dy. Govt. Advocate.
For Objector:	Mr. U.K.S. Chandel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 363/2015 registered at Police Station Bemetara, District Bemetara (C.G.) for the offences punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant had got his name mutated in the revenue records in place of late Nanku Ram by order of Tahsildar dated 30.6.2014 on the basis of forged document and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the in fact applicant is adopted son of late Nanku Ram Satnami and, therefore, by order of tahsildar dated 30.06.2014, his name was mutated in the revenue records, against which, Objector Tireethram has preferred appeal before the Sub Divisional Officer, which is pending consideration and without awaiting the decision of the SDO, FIR has been registered on 26.06.2015 and on the basis of which, the applicant has been arrested on the same day and, as such, no useful purpose would be served in detaining him in jail and substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State as well as Objector opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the relationship between the parties; nature of dispute; his pre-trial detention; and the fact that mutation was done on the basis of order of Tahsildar; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

