

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5757 of 2015

Than Singh, S/o. Premlal, Aged About 26 Years, Caste Nagarchi, R/o. Village Bakali, Police Station & Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicant

Versus

Station House Officer, Through the Station House Officer, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.599/2014 registered at Police Station- Kurud, District Dhamtari (C.G.) for the offence punishable under Sections 420, 467, 468/34 of Indian Penal Code.
2. Case of the prosecution is that the wife of the applicant had submitted a certified issued by the Tahsildar certified by the S.D.O. Kurud and on the basis of such certificate she obtained the job. As per the prosecution, the said caste certificate was forged and was prepared by the applicant.
3. Learned counsel for the applicant submits that the charge sheet has been filed in this case and the applicant is in jail since 09.12.2014. He further submits that the applicant has wrongly been arrested, as no offence has been committed since the caste

certificate has not been seized till date; therefore, he prays to release the applicant on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts, circumstances and degree of offence; taking into fact that the charge sheet has been filed and the evidence is of documentary in nature; considering the period of detention of the applicant as he is in jail since 09.12.2014, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge