

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5503 OF 2015**

Manoj Prasad Barle @ Gangdev S/o Late Sampat Barle aged about 30 years
R/o House No.-3 Street No.-31A Sector-7 District Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer Police Station Piparia
District Kabirdham (C.G.)

---Non-applicant

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 11/2015, registered at Police Station Piparia District Kabirdham (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 406/34 of I.P.C.

2. Case of the prosecution, in brief, is that applicant got the property of complainant Ishwar and recorded in his name proclaiming that Ishwar is dead and thereby committed aforesaid offence.

3. Learned counsel for the applicant submits that present applicant has not committed any offence and has been falsely implicated in offence in question. She further submits that applicant is real nephew of the complainant. She further submits that there is property dispute which is not been settled between them as such, there is no cheating and he has no role

in offence in question. She lastly submits that charge sheet has been filed and applicant is in jail since 08/08/2014, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant in offence in question, pre-trial detention of the applicant, charge-sheet has already been filed and submission made by learned counsel for the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE