

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7212 of 2015

1. Anil Kumar Trivedi, aged about 64 years, S/o. Late Prabhudayal Trivedi, R/o. Housing Board, Boriyakala, P.S. - Tikrapara, Tahsil and Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station -Tikrapara, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Abdul Wahab Khan, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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.379/2015, registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Amit Kumar Trivedi, the complainant, who is the brother of the applicant, Anil Kumar Trivedi alleging that by executing forged power of attorney on 26.11.2012, the applicant has executed sale of house belonged to the Amit Kumar Trivedi on the pretext that some documents of payment of tax is to be executed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the power of attorney is registered on 26.11.2012 and the report was made on 27.07.2015 and since there has been some monitory

transaction between the parties, therefore, the applicant has been falsely implicated in this case and no case is made out against the applicant. He would further submit that the applicant is in jail since 20.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and taking into the fact that charge sheet in this case has been filed, prima-facie it shows that power of attorney is registered one. Considering the fact that evidence in this case are documentary in nature and the applicant is in jail since 20.10.2015, this Court is of the opinion that present is a 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.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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