

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3986 of 2015

- Prasanna Kumar, son of late Shri Harihar Chouhan, aged about 24 years, by caste Cheek, resident of village Tangargaon, P.S. and Tahsil Kansabel, Civil and Revenue District Jashpur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Tapkara, Civil and Revenue District Jashpur (C.G.)

---- Non-applicant

For Applicant: Mr. Indrasen Sahu, Advocate.
For Non-applicant/State: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/08/2015

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. 42/2014 registered at Police Station Tapkara, Civil and Revenue District – Jashpur for the offences punishable under Sections 420, 467, 468, 470, 409, 471, 472 & 120-B/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that co-accused Chunu Ram Chouhan being an Advocate filed an application for partition of the land on behalf of Bodhan Ram, S/o Doya under Section 178(A) of the CG Land Revenue Code in the court of Tahsildar, Farsabahr, District Jashpur, in which, another co-accused Kayaso Bai has examined herself and stated that she is the sole daughter of Bodhan Ram fraudulently in order to obtain the property of Bodhan Ram, in consequence thereof, Tahsildar directed to record the name of her two children namely present applicant & one Sunita Chouhan in the revenue records.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has been falsely implicated in the crime in question. He would further submit that similarly situated co-accused namely Kayaso Bai & Chunu Ram Chouhan have already been granted bail by this Court vide order dated 24/11/2014 in M.Cr.C. Nos. 5135/2014 & 5702/2014, and the applicant is in jail since 01.05.2015 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person namely Kayaso Bai & Chunu Ram Chouhan, who have already been granted bail by this Court in M.Cr.C. Nos. 5135 & 5702 of 2014.

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused person namely Kayaso Bai & Chunu Ram Chouhan have already been granted bail by this Court vide order dated 24.11.2014; and the applicant is in jail since 01.05.2015; 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

D/-