

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6777 of 2015

1. Harish Sharma, S/o. Shri Satyaprakash Sharma, aged about 32 years, R/o. R-330, Boriyakhurd, R.D.A. Colony, Santoshi Nagar, Post Office – Raipur, Police Station – Tikrapara, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Amleshwar, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

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.53/2015, registered at Police Station – Amleshwar, District – Durg (C.G.) for the offence punishable under Section 420, 467, 468, & 471/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Devendra Kumar Pathak, who was working as Patwari on the basis of order passed by the Naib Tahsildar, he made duplicate Rin Pustika and on the basis of the Rin Pustika, power of attorney has been executed in favour of Khemlal Sahu and on the basis of power of attorney, sale deed has been executed in favour of the applicant by Khemlal Sahu on 28.11.2013, though the persons, who have executed the power of attorney were died long back. The allegation against the present applicant is that he is one of the attesting witness to the alleged/forged power of attorney.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that only on the basis of the Rin-pustika he had purchased the land. He would further submit that the applicant is the bonafide purchaser and after payment of sale consideration of Rs.3,25,000/- he has purchased the land. He would further submit that if something wrong has been done by the co-accused, the applicant can not be held liable for the same. He would further submit that the charge-sheet in this case has been filed and the sale deed has also been seized, therefore, no further evidence is required. He would further submit that the applicant is in jail since 29.07.2015, 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 fact that the applicant is the bonafide purchaser, who has purchased the land after payment of sale consideration. Further taking into the facts and circumstances of the case and the role played by the applicant and taking into fact that charge-sheet in this case has been filed and the applicant is in jail since 29.07.2015 and the offences are triable by JMFC, without any observation on merit, for the purpose of bail, 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

Balram