

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2233 of 2016

Venkteshwar Prasad Chandrakar, S/o Ganesh Ram Chandrakar,
aged about 33 years, R/o Badhai Para, Azad Chowk, Raipur – 492
001, Tehsil and Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station Houser Officer, Police Station
Purana Bhilai, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. Shailendra Bajpai, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/05/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.13/2014, registered at Police Station Purani Bhilai, Distt. Durg for the offence punishable under Sections 420, 467, 468, 471 and 120B of the IPC.
2. Case of the prosecution, in brief, is that the applicant got a power of attorney executed in his favour for sale of complainant's land, on 24-3-2011, however, he sold land to one Amit Baghel on the strength of that power of attorney and did not pay the money to complainant Santu Ram Sonwani and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The complainant has filed complaint case before the jurisdictional Magistrate and under Section 156 of the CrPC, order was passed for investigation in which the applicant has been

arrested. Co-accused Sohanpal and Nohar Pal have been released on bail by this Court by orders dated 22-2-2016 and 15-3-2016 passed in M.Cr.C.Nos.217/2016 and 1362/2016, respectively. The applicant is in jail since 28-9-2015, charge-sheet has been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel 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, co-accused have already been released on bail, offence is triable by the Magistrate and the applicant is in jail for last more than seven months, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge