

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2244 of 2016

1. Harbhajan Singh Kanwar, S/o. Late Pyare Lal Kanwar, aged about 42 years, R/o. Village-Bhaisama, Tahsil – Uрга, District - Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Kota, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicant : Mr. Vikas Pandey, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

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.35/2012, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant had purchased 16 lots of teakwood from government worth Rs.9,95,700/- and Rs.2,51,000/- was deposited being 25% amount. Subsequently, the applicant along with other co-accused persons namely S.R. Rathiya, Suresh Kumar and Ku. Pallavi Verma had manipulated the record and though the amount was not paid, the goods were taken out, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that similarly placed co-accused, Ku. Pallavi Verma has been granted anticipatory bail vide order dated 25.02.2013, passed in Special Leave to Appeal (Crl) No. 7280/2012. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 29.02.2016, therefore, 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.
6. Considering the facts and circumstances of the case and the fact that the charge-sheet in this case has been filed, applicant is in jail since 29.02.2016 and the evidence in this case is documentary in nature, 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