

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2844 of 2016

Nanku Patel, S/o. Sant Ram Patel, Aged About 70 Years, R/o. 79/3, Ward No.3, Netanagar Masturi, P.S. Masturi, Tehsil Masturi, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, Police Station Masturi, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate with Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.38/2015, registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Section 420, 419, 467, 468, 471 & 120 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one land which was in name of Mannulal, the applicant executed the sale deed by falsely pretending himself to be Mannulal; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the photograph which was used of applicant was taken out from the group photo and his photo was not actually obtained which would be evident from the background of the photograph which is attached along with this bail application and no fresh photograph was taken. It is further submitted that the applicant has never visited the Registrar

Office and therefore certain applications were given to the D.S.P. & I.G. to get his thumb impression so as to verify the authenticity of the thumb impression, however, the police remained silent and the thumb impression of the applicant was not compared. He further submits that the applicant is aged about 70 years and he is in jail since 25.04.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary shows that the copy of the photograph which is filed along with the sale deed wherein background is shown to be same that of the photograph which is attached in this bail application. Further, the application filed by the applicant to get his thumb impression so as to get it verified with the sale deed, the said applications remained dormant. Considering the facts and circumstances of this case, especially taking into the applications so filed by the applicant to get his thumb impression which has not appears to be obtained by the police and further looking to the age of the applicant i.e. 70 years and he is in jail since 25.04.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge