

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4491 of 2016

1. K.L. Francis, S/o. Late K.L. Marianna, aged about 40 years, Address Qr.No.1-D, Street No.3, Sector-3, Bhilai, Civil and Revenue District -Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Bhatti Thana Bhilai, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Shaktiraj Sinha, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

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.70/2016, registered at Police Station – Bhatti Thana Bhilai, District – Durg (C.G.) for the offence punishable under Section 420, 467, 468 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant obtained forged caste certificate and on that basis obtained job in CISF in the year 1996. Subsequently when the enquiry was made about the existence of the case where from the caste certificate was issued, it was found that no case was found or was existing.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case and he was to retire after one year

and on the false allegation he was arrested simply because of the fact that case was not found and only on that basis that case was not found, it can not be stated that forged caste certificate was issued as the matter is 19 years old. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 05.05.2016 and no further evidence is required, 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.
6. Perused the case diary and the documents. Considering the issue involved in this case and the time lapses in between the commission of offence, and the fact that charge-sheet in this case has been filed and the applicant is in jail since 05.05.2016, 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