

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 250 of 2016

Bhim Kumar Sahu, S/o. Hira Ram Sahu, Aged About 48 Years, R/o.
Village Turijhar, Police Station Tendukona, Civil & Revenue District
Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Sankra, District
Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.01.2016

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.117/2013, registered at Police Station– Sankra, District Mahasamund (C.G.) for the offence punishable under Section 420, 467 & 468 of Indian Penal Code.
2. This is the second bail application. The first bail application is dismissed on merit on 16.11.2015 in M.Cr.C. No.6010 of 2015.
3. Case of the prosecution, in brief, is that the applicant who is working as Patwari interpolated the B-1 wherein the name of Koshla Bai, Wd/o. Dilip, Caste Rawat has been interpolated as Kaushilya Bai, W/o. Dilip even Kaushilya Bai died on 15.10.2007 and 20 points query for registration of the land was issued on 26.07.2011.

4. Learned counsel for the applicant submits that the charge sheet has been filed and no further evidence is required in this case. He further submits that the mutation of the name was done under the order of the Tahsildar, which was subject of challenge before the S.D.O., which was also set aside. He submits that the applicant is in jail since 03.10.2015, therefore, he may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Having regard to the facts and circumstances of the case; considering the nature of allegation and degree of offence; taking into fact that the charge sheet has been filed and the evidence are documentary in nature; and further considering the detention of the applicant as he is in jail since 03.10.2015, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge