

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3881 of 2016

- Indrajeet Singh S/O Dayal Singh Aged About 50 Years R/O L.I.G. - 1118, Housing Board, Jamul, Police Station Jamul, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jamul, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

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 on 16-6-2016 in connection with Crime No. 343 of 2010, registered at Police Station Jamul, District Durg (CG) for the offence punishable under Sections 420, 467, 468 & 471 of the IPC.
2. As per prosecution case, a complaint was made by Jaswanth Singh, brother of the applicant that initially their father has executed a will on 5-2-1999 in favour of both the brothers bequeathing the suit property and another will was executed in favour of the complainant only for which a civil suit is pending before the court below which was filed by the applicant. Subsequently, it is alleged that on the basis of a forged affidavit of the brother, the applicant has got his name mutated in respect of the house situated at Housing Board and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that a dispute which arose between two brothers is pending before the court below and the name which was mutated in the Housing Board was subsequently cancelled and the nature of dispute is over the property between two brothers and all the evidence are documentary in nature. He would further submit that the applicant is in jail since 16-6-2016 and no further evidence is required, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents which would show that initially report was made in the year 2010 and the applicant has been arrested in the year 2016.
6. Taking into consideration the facts and circumstances of the case, dispute is over property between two brothers, nature of allegations leveled against the applicant and considering the fact that all the evidence are documentary in nature and also taking into the fact that the applicant is in jail since 16-06-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju