

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.217 of 2016

Sohanpal, S/o Bhagirathi Dhankar, aged about 35 years, R/o Village Ameri, Police Station Bhilai-3, Tahsil Patan, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Purani Bhilai, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. B.P. Singh, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.13/2014, registered at Police Station Purani Bhilai, Distt. Durg, for the offence punishable under Sections 420, 467, 468, 471 and 120B read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that one Venkateshwar Prasad got registered a power of attorney executed in his favour for sale of the complainant's land on 24-3-2011 and Vishnu – co-accused has taken the tractor back from the complainant. The present applicant is involved in the conspiracy of the aforesaid case.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, it is Vishnu, Venkateshwar Prasad, Amit Baghel and Nohar Singh who are involved in the offence in question. The applicant has no role in the offence in question. He is in jail since 28-9-2015

and charge-sheet has been filed. FIR has been lodged with delay.

4. On the other hand, learned State counsel opposes the application and submits that tractor has been taken back by Vishnu and power of attorney was got executed by Venkateshwar Prasad with Santuram Sonwani on 24-3-2011 and the agreement has been executed by Vishnu in favour of Amit Baghel.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, main allegations are against Venkateshwar Prasad, Amit Baghel, Vishnu and Nohar Singh, who is witness of power of attorney; pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge