

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1362 of 2016**

Nohar Pal, S/o Gendlal, aged about 40 years, R/o Village – Ameri, Police Station-Bhilai-3, Tahsil Patan, Distt.Durg (CG)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, Distt. Durg (CG)

---Non-applicant

For Applicant	:	Mrs. Fouzia Mirza, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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.13/2014, registered at Police Station-Old Bhilai, District-Durg (CG), for the offence punishable under Sections 420, 467, 468, 471 and 120B 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 only witnessed to the power of attorney.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question, it is Vishnu, Venkateshwar Prasad and Amit Baghel who are involved in the offence in question. The applicant has no role in the offence in question. He is in jail since 28.9.2014 and

charge-sheet has been filed. F.I.R. has been lodged with delay.

4. On the other hand, learned counsel for the State would oppose the bail application and submit 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 appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, facts & circumstances of the case, role of the present applicant, main allegations are against Venkateshwar Prasad, Amit Baghel and Vishnu, pre-trial detention of the applicant and charge-sheet has been filed, 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 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/-

(Sanjay K. Agrawal)
JUDGE

B/-