

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2678 of 2016

1. Shivkumar Patel, aged about 44 years, S/o. Shri Puniram Patel, Occupation- Secretary, presently posted at office of the Chief Executive Officer, Janpad Panchayat – Masturi, District - Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Officer-in-charge of Police Station – Masturi, District- Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Roop Naik, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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.117/2013, registered at Police Station – Masturi, District- Bilaspur (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471 & 120 (B) and 201 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that land bearing Kh.No.536/4, admeasuring 2.39 acres, which is situated at village- Bhadaura was a government land was recorded in the name of Anandram, fictitious person and the sale deed was executed. Subsequently when the offence came to fore, it was found after observation of copy sale deed, the present applicant has given copy of ration card, which is attached with the sale deed so as to identify the Anandram though Anandram never existed.

3. Learned counsel for the applicant submits that ration card can not use as identity card according to the PDS scheme and it was for the Registrar to see and verify the documents at the time of execution of sale deed. It is further submitted that the applicant has not even issued the ration card and it is only fictitious signature by putting seal of the of the applicant and the signature which has been used by the other co-accused and the original has not been seized by the police. It is further submitted that the applicant has not shown as absconding. He further submits that challenging the prosecution, a writ petition bearing No.W.P.(Cr) No. 81/2015 was filed, which was dismissed vide order dated 09.04.2015 against which a writ appeal was preferred which too was dismissed on 29.04.2015 to avail the remedies in accordance with law at an appropriate stage. He further submits that charge sheet in this case has been filed and the applicant is in jail since 26.03.2016, 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 and would submit that after rejection of the anticipatory bail on 15.04.2013 from the Sessions Court, charge sheet was filed on 17.05.2013 and after rejection of the anticipatory bail application, the applicant was absconding, therefore, he may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the documents it appears that a writ petition was filed bearing No.W.P.(Cr) No. 81/2015, which was dismissed vide order dated 09.04.2015 against which a writ appeal was preferred which too was dismissed on

29.04.2015 to avail the remedies in accordance with law at an appropriate stage. The applicant remained absent after rejection of the anticipatory bail application on 15.04.2013 and even after filing of the charge sheet, therefore, grant of bail to the applicant would be against the spirit of bail as the present applicant was arrested after conviction of other main accused. Considering the conduct of applicant as he was absconding and the allegation levelled against this applicant, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge