

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2806 of 2016

K. Deva Sahayam S/o Late K. Jinna Koteya Aged About 45 Years
R/o Quarter No. 04/ A, Road No. 57, Sector-06, Bhilai, Tahsil &
District Durg Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant - Shri B.P. Singh, Advocate.
For Respondent/State – Shri Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/06/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 842/2015 registered in Police Station Kotwali, District Durg (C.G.) for offence punishable under sections 420, 467, 468 & 120 (B) of Indian Penal Code.
2. Case of the prosecution is that a report was made by Gaurisha Mishra that after death of her husband present applicant K. Deva Sahayam was requested to get house vacated that of the complainant from the tenant and during such process the present applicant got forged power of attorney in favour of K.P. Singh dated 20/06/2013 wherein he signed as a witness whereby forged document were prepared for sale of the house.
3. Learned counsel for the applicant submits that the power of attorney was executed by the complainant Gaurisha Mishra in favour of K.P. Singh wherein this applicant stood as a witness and certain sale

consideration were paid in the bank which is documentary evidence to release it from the mortgage which goes to show that no fraud has been played. It is further submitted that the present applicant stood as a witness in power of attorney which is alleged to be forged and since litigation arose in between K.P. Singh and complainant Gaurisha Mishra for sale of the house suit for specific performance was also filed, thereby it would lead to show that no offence has been committed by the applicant. He submits that charge sheet in this case has been filed, therefore no further evidence is necessary, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the charge sheet and the documents. Prima facie it appears that dispute in respect of the sale of the house which was owned by Gaurisha Mishra is pending in between K.P. Singh and Gaurisha Mishra wherein power of attorney and agreement of sale are in question the same are subject matter of adjudication before the civil court in a civil suit which is filed by K.P. Singh. Taking into such fact the nature of the allegation made and for the fact that charge sheet has been filed no further evidence would be required and all the evidence are documentary in nature and the applicant is in jail since 21/04/2016, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

gouri