

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3104 of 2016

1. Om Prakash, S/o. Bhagwan Das, aged about 48 years, R/o. Village-Kapan, Khamhariya Nirtu, Police Station – Masturi, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. Masturi, District – Bilaspur, (C.G.)

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/08/2016

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.408/2015, registered at Police Station – Masturi, District- Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant along with other Chameli Kaushik, Shanti Bai, Usha Bai and Sandhya Kaushik were holding the land at village-Nirtu and the applicant by impersonating the other ladies, power of attorney was executed in his favour and on the basis of power of attorney sale was executed. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and other accused persons namely Jayamati, Santoshi Sahu, Dharam Singh have been enlarged on bail. It is further submitted that charge sheet in this case has been filed and the applicant is in jail since 28.12.2015, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that two other cases under Section 302 and 307 of I.P.C. are to the credit of the applicant.
5. I have heard learned counsel appearing for the parties.
6. Perusal of the order granting bail to the other co-accused persons would show that the applicant is the author of the entire crime and the other co-accused persons have been granted bail on the ground that the main fraud has been committed by the present applicant. Considering the role played by the applicant and taking into the submission of the State counsel that two other cases under Section 302 and 307 of I.P.C. are also to the credit of the 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