

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3702 of 2016

1. Ramlal, S/o. Shri Jakla, aged about 64 years, Caste-Kurmi, R/o. Village- Fataura, Police Station and Tahsil – Berla, Civil and Revenue District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Chirmiri, District – Korea (Chhattisgarh)

---- 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.301/2015, registered at Police Station – Chirmiri, District – Korea (C.G.) for the offence punishable under Section 420, 468, 471 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant procured the job showing himself to be the brother of the Jageshwar Sahu, who was declared medically unfit in the year 1976 and on his place, the applicant procured the job as his brother. Subsequently, in the year 2011, the applicant retired from his services and refused to maintain Fagni Bai, wife of Jageshwar Sahu, therefore, the application has been filed before the Family Court and the fact came to fore.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the offence is alleged to have been committed in the 1976 and no report was made and the applicant already stood retired in the year 2011. It is further submitted that the applicant is in jail since 11.03.2016 and the charge sheet in this case has been filed, 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the alleged offence appears to have been committed in the year 1976 for which report was made in the year 2015 and further considering the fact the age of the applicant, 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge