

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4647 of 2016

- Sukhram Kaiwarta S/o Albadh Ram Kaiwarta Aged About 62 Years R/o Gram Karra Banjarpara, Darrighat, Tahsil & P.S. Masturi, District Bilaspur, Chhattisgarh ---- **Applicant (In jail)**

Versus

- State of Chhattisgarh Through P.S. Masturi, District Bilaspur, Chhattisgarh ---- **Non-applicant**

For Applicant : Shri Raj Kumar Gupta, Advocate

For Respondent/State : Shri Anupam Dubey, Dy GA

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.41 of 2015, registered at PS Masturi, district and revenue district Bilaspur (CG) for the offences punishable under Sections 420, 467, 468, 471 and 120-B of the IPC.
- 2) Case of the prosecution, in brief, is that, a land measuring about 1.65 acre which is in the name of Sarat, who died in the year 19993 has been sold by the present applicant in connivance with other co- accused persons, personifying him as Sarat, to one Sanjay Garg, therefore, the offence was committed.
- 3) Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case as only photograph of the applicant has been affixed in the sale deed, without any verification and there is no signature of the applicant, as such, the applicant has been roped up in the

offence, as the applicant is illiterate. Applicant has been arrested since 09.06.2016 and he is 62 years of age. Charge-sheet has been already filed in this case and no further investigation is required in this case, therefore, he may be released on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) Heard learned counsel for the parties, perused the case diary and the documentary evidence available on record.
- 6) Considering the facts and circumstances of the case; having regard to the fact that the entire case is based on the documentary evidence; the nature of offence; further taking into consideration that charge-sheet has already been filed in this case no further investigation is required, the applicant is in jail since 09.06.2016 and he is 62 years of age, I am inclined to release the applicant on bail.
- 7) Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE