

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7511 of 2015

Jagdish Nishad S/o. Budharu Nishad, Aged About 30 Years, R/o. of village – Bhathagaon, Post- Batang, Tahsil Patan, Civil and Revenue District Durg, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police of Police Station- Amleshwar, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13 / 01 / 2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 53/2015, registered at Police Station–Amleshwar, District – Durg (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of IPC.
2. Case of the prosecution, in brief, is that a land initially belonging to forefather of Ramesh Sharma which was recorded in their name. The applicant alongwith other the co-accused persons have executed a forged power of attorney in the name of Khemlal and on the basis of said power of attorney the land was sold to Harish Sharma and the present applicant signed the power of attorney as the attested witness. Thereby, the offence is committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that

the charge sheet in this case has been filed and the applicant is in jail since 29.07.2015. He further submits that the other co-accused person namely Harish Sharma has already been granted bail by this High Court in M.Cr.C. No. 6777 of 2015 on 10/12/2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and all the evidence are documentary in nature. Considering the facts and circumstances of the case, that the applicant is in jail since 29.07.2015 and also the fact that the similarly placed co-accused person has already been enlarged on bail by this court in M. Cr.C. No 6777 of 2015 on 10.12.2015 , I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge