

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4953 of 2016

1. Sakharam, S/o. Shivratan, aged about 47 years, Caste-Yadav, R/o. Harabhatha, Tahsil – Katghora, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kusmunda, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/08/2016

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.69/2016, registered at Police Station – Kusmunda, District – Korba (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by complainant, Smt. Ramkunwar alleging that the applicant shown himself to be the son Smt. Ramkunwar and Chamra and got the job in the SECL when their lands were acquired. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the incident is of the year 1990 and as per the statement of Pyarelal,

the applicant was adopted as son by Smt. Ramkunwar and Chamra, however, no written document was executed. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 17.05.2016, 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, the nature of offence and the degree of allegation levelled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 17.05.2016, 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