

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5033 of 2016

1. Baijnath Verma, S/o. Late Latel Verma, aged about 62 years, R/o. Village-Navagaon, Police Station- Bhatapara Village, Tahsil Bhatapara, District – Baloda Bazar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station Bhatapara (Village), District – Baloda Bazar (Bhatapara) (C.G.)

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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.173/2016, registered at Police Station – Bhatapara (Village), District – Baloda Bazar (Bhatapara) (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Pradeep Verma personified himself to be Jagganath Dhruv and opened account in the Bank of Baroda and thereafter Cooperative Society purchased paddy 277.60 quintal for Rs.3,91,416/- and cheque was prepared in the name of Jagganath Dhruv and it was collected by Pradeep Verma. It is alleged that the applicant, who was also having the account in the Bank had identified the Pradeep Verma as

Jagganath Dhruv, which facilitate for opening of account in the name of a dead person. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the Pradeep Verma was the resident of same locality, wherein the applicant resides and since the Pradeep Verma asked the applicant to give his signature for opening his account, he signed the documents and no criminality has been committed by him and he is not the beneficiary. It is further submitted that other co-accused persons namely Manohar Lal Sen and Smt. Rameshwari Verma have been enlarged on anticipatory bail by this Court, 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 nature of offence and the degree of allegation leveled against the applicant, evidence collected by the prosecution in this case are documentary in nature and taking into the fact that the applicant, who is shown to be aged about 62 years and considering the facts and circumstances of this case, 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

Balram