

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5553 of 2016

Punni Lal @ Punit, S/o. Ram Khilawan, Aged About 26 Years, Occupation Driver, R/o. Village Tenduwa, Nawapara, Post Office Devarbija, Police Station & Tahsil Saja, Civil & Revenue District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Of Police Station Saja, Tahsil Saja, Civil & Revenue District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ratnesh Kumar Agrawal, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.09.2016

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.139/2016 registered at Police Station- Saja, Chowki- Devkar, District Bemetara (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Lavkush Sahu that he was having land bearing Khasra Nos. 1683 and 2386 at Sahaspur Lohara. The applicant alongwith others namely Naresh Kumar Jaiswal Shivendra Verma offered the purchaser Yashwant Dillivar for sale of the land and one Ganesh Ram was personified as Lavkush and agreement was entered on 07.05.2016 and the amount of Rs.50,000/- was paid as an advance. Subsequently, purchase who made enquiry also found that actually Lavkush Sahu was falsely personified by Ganesh Ram and the agreement was executed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He further submits that the similarly placed co-accused have been enlarged on bail by this Court in MCRC No.5103 of 2016 on 31.08.2016 and case of the present applicant is also similar, therefore, he may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that the similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and also the fact that the similarly placed co-accused have been enlarged on bail on 31.08.2016 in MCRC No. 5103/2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge