

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6028 of 2016

Deepak Nair, S/o. P. Dev Nair, Aged About 32 Years, R/o. Qtr. No.6,
Street No. 22, Sector- 8, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Out Post : Devkar,
Police Station : Saja, District : Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Kumar Sharma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.10.2016

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 Out Post- Devkar, Police Station- Saja, 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. One Punni Lal @ Punit along-with 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. In such agreement, the present applicant stood as an attesting witness. Subsequently, when the purchaser made an enquiry, it was found that Lavkush Sahu was falsely personified by

one Ganesh Ram and the present applicant has identified the person in the agreement.

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 in MCRC No.5553 of 2016 on 19.09.2016 and case of the present applicant is similar to that case, therefore, he may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he 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 and on 19.09.2016 in MCRC No.5553/2016, 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