

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6486 of 2016

- Bishun Kumar Rathore S/o Ramdhan Rathore Aged About 48 Years R/o Village- Bhadaura, Thana- Masturi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through S.H.O. Police Station- Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Wasim Miyan, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-10-2016

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 on 23-3-2016 in connection with Crime No. 31 of 2015, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 420, 467, 468, 471, 419, 201 and Section 1209-B of the IPC.
2. Case of the prosecution is that initially enquiry was made on 11-03-2013 by the Additional Collector and other members and on that basis seven cases were registered against different accused persons wherein sale of land at village Bhadaura has been sold. Subsequently, in those cases the applicant was one of the accused persons and the applicant along with other co-accused persons has been convicted. The learned Judicial Magistrate First Class, after evaluating the

evidence, arrived at a finding that, it appears that further cases of similar nature for the same offence of fabricated sale deed have been committed and the Judicial Magistrate had ordered for an enquiry. After that enquiry present case has been registered against the applicant.

3. Learned counsel appearing for the applicant would submit that the charge-sheet has been filed and only on the direction of the Judicial Magistrate First Class, present case has been registered against the applicant. Neither the applicant is a seller nor is a party to any sale deed. He would further submit that the case of the present applicant is similar to that of other co-accused person namely Kallu Singh @ Narendra Singh who has been released on bail vide order dated 29-8-2016 passed by this Court in M.Cr.C.No. 4450 of 2016 and other connected matters, therefore, he may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of other co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that the charge-sheet has been filed, the applicant is in jail since 23-3-2016 and further considering the fact that similarly placed other co-accused has been granted bail, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju