

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 6483 of 2016**

- Kamal Bandhey ( Kapma ) S/o Dewal Bandhey Aged About 45 Years R/o Village Aamnair, Tehsil Abhanpur, Police Station Abhanpur, District Raipur, Chhattisgarh.

---- **Petitioner**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- **Respondent**

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For Applicant : Mr. P.P. Sahu Advocate  
For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**02-11-2016**

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 29-8-2016 in connection with Crime No. 182 of 2016, registered at Police Station Rajim, District Gariyaband (CG) for the offence punishable under Sections 420, 506, 467, 120 (B)/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Chaman Kumar Bharti that the applicant along with other co-accused persons has shown the land of some other person and entered into an agreement and received the sale consideration of Rs.2,00,000/-. Subsequently the said land was found to be the others and thereby forged document has been prepared to get the land sold and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant and the complainant have entered into compromise and the amount of Rs.2,00,000/- has been returned to the complainant by the

applicant which would be evident from Annexure A/2. He would further submit that the compromise petition under Section 320 (2) of the Cr.P.C., was filed before the court below which was partly allowed which would be evident from the order sheet dated 25-10-2016. He would further submit that the applicant is in jail since 29-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents filed along with *Ikrarnama* which shows that Rs.2,00,000/- has been paid to the complainant by the applicant and the order sheet dated 25-10-2016 shows that compromise petition was filed before the court below for compounding the offence which has been partly allowed.
6. Taking into consideration the facts and circumstances of the case, considering the subsequent developments and further considering the fact that the amount appears to have been paid by the applicant to the complainant and also the fact that the applicant is in jail since 29-8-2016, this court is 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