

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6822 of 2016

- Shivkumar Patel S/o Shri Puniram Patel Aged About 44 Years
Occupation- Secretary , Presently Posted At Office Of The Chief
Executive Officer, Janpad Panchayat- Masturi, District Bilaspur,
Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Officer In Charge Of Police Station
Masturi, District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Mahesh Pandey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-12-2016

1. This is third 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 26-3-2016 in connection with Crime No. 117 of 2013, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B & 201 of the IPC. Earliest first bail application was dismissed on merits on 28-6-2016 and second bail application was dismissed on merits on 9-8-2016.
2. Case of the prosecution, in brief, is that land bearing Khasra No.536/4, admeasuring 2.39 acres situated at village Bhadaura was a Government land which was recorded in the name of Anandram, fictitious person who never existed and sale deed was executed. Subsequently when offence came to fore, it was found

after perusal of the sale deed that the present applicant had given copy of the ration card which was attached with the sale deed whereby identity of Anandram fictitious person came into existence and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is in jail since 26-3-2016 and the original record of the court below is not available as such the case is being adjourned from time to time. He would further submit that last order sheet of the trial Court which is placed on record would show that the case was listed on 9-11-2016 and main file was not available as such again the date has been given 9-1-2017 only for record and the record is tied up before the appellate Court/revisional court as other co-accused persons who were convicted, have filed the appeal, therefore, certainly it will cause delay. There is no certainty as to whether record will be received on 9-1-2017 and consequently further date would be given in such case and enormous delay has been caused. He would further submit that the applicant is in jail since 26-3-2016 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.
6. Perused the last order sheet of the court below which is on record. It shows that the case was listed before the court below on 9-11-2016 which is adjourned to 9-1-2017 only for record.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that original record is awaited which

appears to be tied up in the appellate Court / revisional court and further considering the delay of the trial and pre-trial detention of the applicant and also the fact that charges have not been framed, this court is inclined to release the applicant on bail.

8. 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