

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6926 of 2016

- Mahabali Singh S/o Late Shri Ram Sunder Singh Aged About 27 Years By Caste- Gond, R/o Village Ramgarh, Police Station- Janakpur, Tahsil- Bharatpur, District Korea, Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station- Janakpur, District- Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Pritha Ghoshal, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 69/2013 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 420, 409, 34 of IPC.
2. As per the prosecution case, the applicant in connivance with the other persons sold the paddy to the Government over and above the limit prescribed, as the entitlement to sell the paddy is 36 quintals per hectare and the applicant sold the paddy of his own and also took the paddy of some other persons and sold it showing to be the paddy of himself.
3. Learned counsel for the applicant would submit that the applicant has followed the policy of the Government and has not sold the paddy over and above the prescribed limit and the paddy so sold was grown in the field which was taken on lease, therefore, the applicant has been falsely implicated.

He submits that the other co-accused have been enlarged on anticipatory bail by this Court on 01.02.2016 in M.Cr.C. (A).No.1298 of 2015 and on 09.03.2016 in M.Cr.C (A). No.214 of 2016. He further submits that the applicant is in jail since 20.09.2016 and no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. It appears that all the evidence available in this case is documentary in nature. Considering the facts and circumstances of the case, nature of allegation attributed to the applicant and the fact that the applicant is in jail since 20.09.2016 and the other accused have already been enlarged on anticipatory bail, I am inclined to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**