

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7164 of 2016

- Naresh Kumar S/o Santosh Nandeshwar Aged About 24 Years Caste Mahar, R/o Village Kothitola, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. B. P. Singh, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

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. 19/2016 registered at P.S. Bagnadi, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120(B) of IPC.
2. As per the prosecution case, a report was made by one Uday Ram Patel that the applicant on the basis of forged power of attorney which was not executed by Uday Ram Patel sold the land bearing Khasra No.109/7 admeasuring 4 acres in favour of Sukhvinder Singh in the year 2011. Thereafter, when the copy of the sale deed was obtained, it was found that the complainant has not executed the any power of attorney and on the basis of forged power of attorney, sale deed has been executed
3. Learned counsel for the applicant would submit that the entire allegations have been attributed to Harjinder Singh

Bjhatia who made a forged power of attorney in the name of present applicant and it would be evident from the statements of Samay Lal & Shyam Kumar that he is author of the document and the accused Harjinder Singh has been enlarged on bail by this Court in M.Cr.C.No.6302 of 2016 on 20.10.2016. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 20.07.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. Considering the nature of allegations levelled against the applicant and the totality of the facts and circumstances of the case especially the fact that the alleged power of attorney is a registered document; charge sheet has been filed and the applicant is in jail since 20.07.2016, I am inclined to allow this bail application.
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