

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7073 of 2016

- Jageshwar Sahu S/o Gajanand Sahu Aged About 35 Years R/o Village Kirwai, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Officer-In-Charge, Police Station-Simga, District Balodabazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Mahendra Dubey, , Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-11-2016

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 15-9-2016 in connection with Crime No. 22 of 2015, registered at Police Station Simg, District Balodabazar (CG) for the offence punishable under Sections 420, 468 and 471 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant that in the election of Punch of Ward No.15 of village Kirwai, 2015 the applicant who was the winning candidate had submitted forged nomination form of Makhan Sahu and Sumiran Sahu whose names were shown to be proposed by one Gulshan Kumar and Vishnu Sahu, though Makhan Sahu and Sumiran Sahu were not present in the village or filed their nomination forms, so as to get the nomination of another candidate canceled and get

the benefit in the election and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant has been inculpated only on the basis of evidence of hand writing expert which is still to be adjudicated. He would further submit that charge-sheet has been filed, the applicant is in jail since 15-9-2016 and no further investigation is necessary, 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 documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the charge-sheet has been filed and the applicant is in jail since 15-9-2016, 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

