

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7149 of 2016**

Hira Singh, S/o. Seth Ram, Aged About 50 Years, Caste Kanvar, Occupation Service (SECL), R/o. Village Narayanpur, Police Station & Tahsil Udaypur, District Sarguja, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Udaypur, District Sarguja, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Bharat Rajput, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate  
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**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 in connection with Crime No.132/2015 registered at Police Station- Udaypur, District Sarguja (C.G.) for the offence punishable under Section 420, 294, 506-B/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Otibai that she received a compensation amount of around Rs.34 Lakhs as her land was acquired by Iffco Power Plant and the applicant got a thumb impression in the withdrawal form and transferred an amount of Rs. 26 Lakhs in his account and purchased different goods. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the applicant and complainant Otibai are relatives and it was agreed that few compensation if would be paid, the complainant would not claim any share and that understanding was arrived at in between the complainant and

applicant and as such no fraud has been committed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The documents would show that an amount of Rs.26 Lakhs was transferred in the account of the present applicant. Taking into the nature of allegation and the way the offence has been committed, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge