

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7446 of 2016

Tikamchand Gaikwad, S/o. Dheerpal Gaikwad, Aged About 46 Years, R/o. Village - Sarkhi, Post Office & Police Station - Abhanpur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station – Rajim, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.11.2016

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.182/2016 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Section 420, 506, 467, 120(B)/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the complainant Chaman Kumar Bharti that the applicant along with other co-accused persons has shown the land of some other person and entered into an agreement and received the sale consideration of Rs.2,00,000/-. Subsequently, the said land was found to be the others and thereby forged document has been prepared to get the land sold and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant and the complainant have entered into compromise and the amount of Rs.2,00,000/- has been returned to the complainant by the applicant which would be evident from the documents annexed with the bail application. He would further submit that the similarly placed co-accused has been enlarged on bail by this Court on 02.11.2016 in MCRC No.6483 of 2016, therefore, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents filed along with Ikrarnama which shows that Rs.2,00,000/- has been paid to the complainant by the applicant. Taking into the facts and circumstances of the case and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge