

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7516 of 2016

1. Chandrashekhar Choudhary, S/o. Hiramani Choudhary, aged about 40 years, Occupation- Agriculturist, R/o. Village- Uchchbhitthi, P.S. - Kotra Road, Raigarh, District – Raigarh, Mob. No. 9301283331.

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Kotra Road, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant : Dr. Rajesh Pandey, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.205/2016, registered at Police Station – Kotraroad, District – Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471 and 120-B of Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet on 02.11.2016 in M.Cr.C. No.6714/2016.
2. Case of the prosecution, in brief, is that one Korba West Power Company Limited was acquiring the land for railway from Chhote Bhandar to Bhupendrapur at Raigarh and in order to acquire such land, the present applicant took Rin Pustika of different villagers,

thereafter, fake Aadhar Card was prepared and on the basis of fake Aadhar Card, got the sale deed executed in the name of fake persons in favour of the company and also different account was opened in the bank and the amount was withdrawn around Rs.40.00 lakhs. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant is not the beneficiary and the sale consideration has passed to the sellers and the applicant himself has been deceived. It is further submitted that charge-sheet in this case has been filed and no further investigation is required and the applicant is in jail since 06.08.2016 and the trial may take some time, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicant along with other persons have prepared the forged documents to execute the sale deed in favour of the company, therefore, the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. The allegations are that the applicant on the basis of forged Aadhar Card and the documents got the sale deed executed by fake persons in favour of the Korba West Power Company Limited and received different amount. As appears all the documents have been seized and respective sale deed are also part of the record. Taking into the nature of offence, it appears that all the evidences are documentary

in nature, charge-sheet in this case has been filed, applicant is in jail since 06.08.2016, and the offences are triable by J.M.F.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge