

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7850 of 2016

Samaylal Dewangan, (wrongly mention as Sammelal in order sheet), S/o. Shri Jaichand Dewangan, Aged About 30 Year, R/o. Chandrapur, Police Station- Chandrapur, Tahsil- Dabhara, District- Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Thana- Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/12/2016

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.205/2016 registered at Police Thana- Kotra Road, Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471, 464, 419 & 120(B) of Indian Penal Code.
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 alongwith Chandrashekhar Choudhary arranged fake persons and got the sale deed executed in favour of the Company like Fulchand appeared as Harishchand, Sonatan Uraon appeared as Gajadhar Chouhan and Kaya Bai appeared as Amrit Bai and likewise different sale deed was executed in connivance with Chandrashekhar Choudhary and the amount was withdrawn. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is not the beneficiary and only on the memorandum statement of Chandrashekhar Choudhary, he has been inculpated. She further submits that the other co-accused Chandrashekhar Choudhary has been enlarged on bail by this Court on 29.11.2016 in M.Cr.C. No. 7516 of 2016. She further submits that the charge sheet has been filed and no further investigation is necessary and the applicant is in jail since 06.08.2016, therefore, he 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. Considering the nature of allegation against the present applicant that he arranged fake persons to execute the sale deed and he has been inculpated on the memorandum statement of the other co-accused and the other co-accused has already been enlarged on bail and further considering the fact that the charge sheet has been filed and all the evidences are documentary in nature, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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