

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8205 of 2016

1. Syed Gaffar Ali, S/o. Late Mohd. Ali, aged about 50 years, R/o. Near Kelabadi Masjid, Durg, Tahsil & District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station : Dhamdha, Durg, District – Durg (C.G.)
{in the impugned order mentioned “through – District Magistrate, Distt. Durg (C.G.)}

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

1. This is the first 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.250/2016, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the complainant Vimal Daga that one Bhuwan Sahu and Manoj Soni have sold the land bearing Kh. No.1213, area 123 hectare, situated at village-Kudiya of Baluram Sahu for sale consideration of

Rs.13,61,600/- on the basis of power of attorney and along-with the sale deed, certain documents which are attached, they were all forged and during the investigation it was found that the present applicant, who was working as Assistant Grade-III at Tahsil Office – Dhamdha has provided the documents, Map, Rin Pustika etc. so as to execute the sale deed dated 01.09.2015 on the basis of agreement dated 15.05.2015. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant was only discharging his job as Assistant Grade-III and he was under obligation to provide the documents and the documents of the prosecution itself would show that map, which was attached with the sale deed was obtained through on-line through Bhuinya Software, which could be obtained by any one. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary, the applicant is in jail since 27.09.2016, 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicant and further considering the fact that all the evidences in this case are documentary in nature, charge-sheet in this case has been filed and the applicant is in jail since 27.09.2016,

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