

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8285 of 2016

1. Hemant Verma, S/o. Rup Narayan Verma, aged about 37 years, R/o. Village-Arasnara, P.S. - Nandani, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the District Magistrate, Durg, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2016

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.249/2016, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 420, 419, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Manoj Soni on the basis of forged power of attorney entered into an agreement with Gopal Singh and thereafter, Gopal Singh entered in to an agreement with Hemant Verma. Subsequently, Hemant Verma

entered into an agreement with Parshuram Prasad, complainant and obtained Rs.3.00 Lakhs. It is stated that the applicant was not the owner of the land. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant was the owner of the land and the agreement was executed by the intervening parties and the land was agreed to be sold, therefore, the applicant has not committed any offence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 30.08.2016, 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, nature of offence and the degree of allegations levelled against the applicant and further considering the fact that all the evidence in this case appears to be of documentary in nature, charge-sheet in this case has been filed and the applicant is in jail since 30.08.2016, 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

Balram