

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8 of 2017

- Goutam Sakhre S/o Ramdas Sakhre Aged About 32 Years R/o Kalkapara Police Station- Dongargarh, District Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Baghnadi, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Devershi Thakur, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.1.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 19/2016 registered at P.S. Bagh Nadi, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 420, 467, 468, 471/34 & 120-B of IPC.
2. As per the prosecution case, a report was made by Uday Ram Patel on 30.05.2016 that on the basis of forged Power of Attorney one Naresh Kumar has sold the property to Sukhvinder and the present applicant has identified Naresh Kumar thereby the offence has been committed.
3. Learned counsel for the applicant would submit that it is not a case that Naresh Kumar was identified by this applicant as Uday Ram. It is submitted that Naresh Kumar was identified by the same person and on the basis of forged power of attorney, the sale deed was executed, therefore, no offence has been committed by the applicant. He further submits

that no evidence is available against the present applicant and the incident is of the year 2011 and the report has been made in the year 2015. It is also submitted that the charge sheet has been filed and the applicant is in jail since 21.08.2016, therefore, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. It appears that the incident appears to be of the year 2011 whereas the report has been filed much after the incident i.e., in the year 2015.
6. Taking into the nature of evidence available against the applicant, which appears to be documentary in nature as also the fact that the charge sheet has been filed and the applicant is in jail since 21.08.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE