

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 252 of 2017

- Mansu Ram Verma @ Mansukh Ram S/o Kam Singh Verma, Aged About 63 Years R/o Village- Pagbandhi, Police Station- Dhamdha, Tahsil And District- Durg Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- The Station House Officer, Out Post- Devkar, Police Station- Saja, District- Bemetara Chhattisgarh.

---- **Respondent**

For Applicant : Mr. N.S. Dhurandhar and Mr. Vivek
Singhal, Advocates

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-01-2017

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 on 3-11-2016 in connection with Crime No. 241 of 2016, registered at Out Post Devkar, Police Station Saja, District Bemetara (CG) for the offence punishable under Sections 419, 420, 467, 468, 471 & 193/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Bharat Lal Dubey on 6-8-2016 that on 10-7-1991 applicant personified himself as Mishri Lal Gond and purchased land of Narayan Gond and Jhaduram Gond and further in the year 2011 – 2013 he obtained lease by taking advantage of the fact that he himself was shown to be a member of Scheduled Tribe. It is further alleged that the applicant opened two bank accounts by two different names i.e., in Bank of Maharashtra in the name of Mansuram Lodhi and in State Bank of India in the name of Mishri Lal Thakur and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the incident was alleged to have taken place on 10-7-1991 whereas third party report was made after 25 years of the incident, the complainant falsely implicated the applicant. He would further submit that the offence is triable by the Judicial Magistrate First Class, charge-sheet has been filed in this case, the applicant is in jail since 3-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that the first information report was made after 25 years of the incident and the evidence appears to be documentary in nature.
6. Taking into consideration the facts and circumstances of the case, considering the evidence which appears to be documentary in nature and further considering the fact that FIR was lodged after 25 years of the incident, the offence is triable by the Judicial Magistrate, charge-sheet in this case has been filed and the applicant is in jail since 3-11-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

