

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 536 of 2017

1. Bhagwana S/o Dhani Ram, Aged About 65 Years Caste- Marar, R/o Village- Tharhidih, At Present Chhechhar, Police Station And Tahsil- Kasdol, District- Baloda Bazar- Bhatapara Chhattisgarh.
2. Daras Ram, S/o Pithanpuriha, Aged About 45 Years Caste- Marar, R/o Village- Tharhidih, At Present- Sinodha, Police Station And Tahsil- Kasdol, District- Baloda Bazar- Bhatapara Chhattisgarh. ---
Applicants

Versus

- State of Chhattisgarh through the Station House Officer, Police Station- Kasdol, District- Baloda Bazar- Bhatapara Chhattisgarh. ---
Respondent

For the applicants	:	Ms. Pushpa Dwivedi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.02.2017

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. 173 of 2016 registered at P.S. Kasdol, Distt. Balodabazar - Bhatapara (C.G) for the offence punishable under Sections 120-B, 419, 420/34, 467, 468 & 471 of IPC.
2. As per the prosecution case, a report was made by Chandrika Bai Patel that the present applicants along-with co-accused Chandrika Bai Verma had sold the land in the year 2011 which was held in the joint possession of family members along-with the present applicants and instead of Chandrika Bai Patel, Chandrika Bai Verma was projected in her place as seller and when the complainant came to know the fact in the year 2015, the report was made.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and the applicants are also joint holders of the said land which was sold to one Shanti Bai of village Kodia. It is further submitted that the charge sheet in this case has been filed; no further investigation is necessary and the applicants are in jail since 07.09.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. The evidence available in this case appears to be documentary nature. Applicant No.1 is stated to be 65 years of age. Taking into the degree of allegations and the nature of evidence which appears to be documentary nature and further considering the fact that the charge sheet has been filed; no further investigation is necessary and looking to the period of detention of the applicants, I am inclined to release the applicants on regular bail.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**