

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 413 of 2017

Aalendre Satnami, S/o. Late Bayajnath Satnami, Aged About 50 Years,
R/o. Bodegaon, Police Station Nandani Nagar, Tahsil & District Durg,
Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Durg, District Durg,
Chhattisgarh

--- Respondent

For the Applicant : Mr. Rudranath Mukherjee, Advocate

For the Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

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.249/2016 registered at Police Station-Dhamdha, District Durg (C.G) for the offence punishable under Sections 420, 419, 467, 468, 471, 120-B of Indian Penal Code.
2. As per the prosecution case, a report was made by one Parsuram Prasad that he entered into agreement with Hemant Verma for purchase of land bearing Khasra No.1206 and 1210 which belong to Kripal Singh and Thakur Singh and Manoj Soni was power of attorney holder. Manoj Soni in the intervening period had agreed to sell the land to Gopal Singh and Gopal Singh agreed to sell to it Hemant Verma and therefore an agreement was entered with Hemant Verma. Eventually, the sale deed was executed by Manoj Soni for a sale consideration of Rs.25,32,500/-. It is alleged that after execution of the sale deed when the mutation proceeding was carried out, it was

found that the power of attorney and Rin-pustika was forged. The allegation against the present applicant is that while the amount of Rs.25 Lakhs and odd was given to Manoj Soni, the present applicant was witness to it.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, the main allegations are attributed to Manoj Soni who received the sale consideration and sale consideration was not received by the present applicant and he was only the witness to the sale deed, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Prima facie, it appears that the applicant has not received any amount of sale consideration and he was only the witness to the sale deed. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge