

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 847 of 2017

- Balak Ram S/o Sadaram Sinha Aged About 52 Years Cast Kalar, R/o Village Pagbandhi, Police Station- Dhamdha, District- Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Saja, District- Bemetara, Chhattisgarh

---- Respondent

For Applicant : Mr. R.K. Jain, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A. for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-02-2017

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 7-11-2016 in connection with Crime No. 241 of 2016, registered at Police Station Saja, District Bemetara (CG) for the offence punishable under Sections 410, 420, 467, 468, 471, 193 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that one Mansuram @ Mansukhram Verma personified to be Mishri Lal Gond and purchased certain land from Narayan Gond and Jhaduram Gond in the year 1991. Subsequently he obtained lease for mining from the Mining Department in the year 2011-2013 wherein he was identified as Mansuram @ Mansukhram Verma by this applicant, therefore, the aforesaid offence was committed.

3. Learned counsel for the applicant would submit that the applicant has not identified the accused Mansuram @ Mansukh Ram Verma to be Mishri Lal Gond and was only witness to the execution of deed and the applicant is not beneficiary. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 7-11-2016 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. From perusal of the documents, prima facie, the applicant does not appear to be beneficiary.
6. Taking into consideration the facts and circumstances of the case., considering the role played by the applicant and further considering the evidence which appears to be documentary in nature and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 7-11-2016, this court is 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

