

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1087 of 2017

1. Niranjana Agrawal, S/o. Late Shri Ramlal Agrawal, Aged About 50 Years, R/o. Dubey Colony, Police Station- Mova, Civil & Revenue District -Raipur, Chhattisgarh. Presently R/o. Nikhar Beauty Parlour, M.I.G.-1, Sector-1, D.D. Nagar, Daganiya, Raipur, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Raipur Chhattisgarh.
2. Smt. Nirmala Mahulkar, W/o. Late Shri Yashvant Mahulkar, Aged About 60 Years, R/o. Momin Para, H. M. T. Chouck Tatya Para, Civil & Revenue District- Raipur, Chhattisgarh .

---- Respondents

For Applicant	: Dr. N.K. Shukla, Sr. Advocate with Ms. K. Tripti Rao, Advocate
For Respondent No.1/State	: Mr. Dilman Rati Minj, Dy. Govt. Advocate
For Respondent No.2	: None present.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Complaint Case No.554/2013, pending before the Judicial Magistrate First Class- Raipur, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471 of Indian Penal Code.
2. As per the complaint case filed by the respondent No.2, the applicant prepared forged rent agreement on 01.02.2004 for 10 years and on

that basis obtained Bar license and used it in the government offices, therefore, on that basis the complaint was filed and despite issuance of bailable warrant, the applicant remained absent as such he was arrested in execution of non-bailable warrant.

3. Learned counsel for the applicant would submit that the respondent No.2 in order to avenge the objection raised by the present applicant in case in between the husband of the complainant and the State has filed this false complaint. It is further submitted that initially the case was erupted out of landlord tenancy and lastly the premises was also got vacated, thereafter, the complaint was filed. It is further submitted that the applicant is in jail since 01.02.2017, therefore, the applicant may be enlarged on bail.
4. Despite the notice to the respondent No.2, no representation is made on behalf of the respondent No.2.
5. Per contra, the learned counsel for the State opposes the bail application.
6. I have heard the learned counsel for the parties.
7. Perused the documents filed along with the bail application as also the earlier rejection order of anticipatory bail application. Considering the facts and circumstances of the case and taking into the fact that the applicant is in jail since 01.02.2017, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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

Balram