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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2988 of 2017**

Dasru Ram Netam, aged about 58 years, S/o late Kanaram, r/o village Makadi Singhrail, thana and Tahsil Kanker, District Uttar Bastar, Kanker.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kanker District U.B. Kanker, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Parag Kotecha, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.11.2017**

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 Crime No.235 of 2016, registered at Police Station – Kanker, District – Uttar Bastar, Kanker, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and 4-5 similarly situated persons, who were also arrayed as accused, have been granted bail by the Co-ordinate Bench of this Court and the applicant also has a similar case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail

application and the submissions made in this respect. It is submitted that there is clear and categorical statements of the witnesses against the applicant and he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that the applicant and complainant – Kunwar Singh Netam jointly owned one immovable property. An application was filed for grant of loan on the basis of mortgage of the said joint property by the applicant alongwith the co-accused Mahesh Shori who was impersonating himself as Kunwar Singh Netam. The real owner of the property was Kunwar Singh Netam who came to know about the loan obtained and lodged FIR.

6. Considering the submissions made and the contents of the case diary that all the co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge