

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 5133 of 2017

- Basant Kashyap S/o Late Jagannath Kashyap, Aged About 45 Years R/o Village Nagoi, Post Office Dhandhan Police Station Takhatpur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chakarbhata, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rohit Sharma, Advocate
For Respondent	:	Mr. O.P.Sahu, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13.11.2017

1. Heard on application under Section 439 of Cr.P.C.
2. 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 in connection with Crime No. 314/2015, registered at Police Station- Chakarbhata, District – Bilaspur (C.G.) for the offences punishable under Section 417, 468 & 471 of the Indian Penal Code.
3. It is submitted by learned counsel for the applicant that applicant has been falsely implicated in this case. The only non-bailable offence as alleged to have been committed by the

applicant is without any basis, as the document was received by the applicant through E-mail, which was simply printed by the applicant and made use of. Hence, he cannot be held as a person who has forged the said document. Applicant has informed the investigation agency about the receipt of the said document from the E-mail Id, which was not investigated by the police. Applicant is in jail since 21.03.2017, he is a local resident and ready to abide by all the conditions imposed for grant of bail. The case is likely to take some time for completion, hence, the applicant prays for grant of bail.

4. Learned State counsel opposes the prayer for grant of bail and the submission made in this respect. It is submitted that applicant was president of Bahu Udeshiya Vidya Mandir Shiksha Samiti, at 2nd Vahini, C.S. Bal, Sakri, Bilaspur (C.G.). Letter dated 28.07.2017 - 21.07.2015 purporting to have been issued by Ministry of Home, State of C.G and Secretary, Department of School Education, State of C.G. was produced by applicant to show his authorization. On verification this letter was found to be fake, hence, on the complaint made by Subedar of Sakri Battalion namely Vijay Shankar Shukla, the case has been registered and charge-sheet has been filed, hence, the applicant is not entitled to be grant of bail.
5. Heard counsel for both the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and

the fact that the applicant is a local resident and whose availability before the trial Court shall not be compromised, if he is enlarged on bail, and the case is likely to take some time and particularly taking into consideration this fact that the receipt of E-mail by the applicant has not been investigated by the investigation agency in this case, hence, the applicant is entitled to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge