

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5833 of 2017

Tejram Sahu S/o Pyari Sahu, Aged About 28 Years R/o Birejhar,
Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Rajim, District Gariyaband, Chhattisgarh.

---Respondent

For Applicant	:	Mr. Hemant Kesharwani, Advocate
For State	:	Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. The counsel for the applicant submits that inadvertently the father's name has been wrongly mentioned in the cause title, because the father's name has been wrongly typed in the trial Court's order and makes of an oral request for making necessary correction in the cause title.
2. Not opposed by the State counsel. Accordingly, let necessary correction be carried out in the cause title during the course of the day.
3. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 87/2017 registered at Police Station Rajim, District Gariyaband, Chhattisgarh for the offence punishable under Sections 419, 420, 467, 468 & 471 read with Section 34 of I.P.C.
4. The present applicant is in jail since 25.04.2017 in connection with the aforesaid Crime number.

5. The allegation as per the prosecution against the present applicant is that the present applicant is said to have impersonated his father and projected the co-accused Dinu as his father and got the land belonging to his father put on sale and have obtained an amount of Rs.5 lakhs as advance money from the complainant Rajkumar Gupta. Later on when Rajkumar Gupta went to the house of the present applicant, he came to know that the person who has been projected before him as the father of the applicant was some other person and not the actual father Amir Sahu.
6. Counsel for the applicant submits that the present applicant has been falsely implicated in the case and that the prosecution case is also faulty for the reason that two persons who have been produced as the witnesses to the agreement to sale have not been made accused persons in the instant case and further he submits that present applicant is already remained in the jail for a period of about six months and the offence is tribal by the Magistrate. He prayed for the applicant to be released on bail.
7. The State counsel on the contrary opposing the bail application submits that it is a case where the present applicant has deliberately played fraud with the complainant and has agreed to sale the property belonging to his father Amir Sahu to the complainant Rajkumar Gupta by projecting one Dinu, the co-accused as the father of the applicant and thus prayed for rejection of the bail application.
8. Having considered the contentions put forth by either side and on perusal of the record what clearly reflects on the contents of the case diary is the statement of the father of the present applicant Amir

Sahu, who has in very categorical terms stated that he had never agreed to sell his property and that the agreement of sale had been got executed without his knowledge, consent or permission.

9. Given the statement of Amir Sahu, this Court is of the opinion that this case does not find it to be a fit case for releasing the present applicant on bail at this juncture. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved