

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8453 of 2016

1. Haldhar Gupta, son of Rajendra Prasad Gupta, aged about 43 years,
R/o. Polsai Para, Station Road, Durg, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police
Station – Dhamdha, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2017

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.250/2016, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 420, 419, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by complainant Vimal Daga that one Bhuwan Sahu and Manoj Soni have sold the land bearing Kh.No.1213, area 123 hectare, situated at village- Kudiya of Baluram Sahu for sale consideration of

Rs.13,61,600/- on the basis of power of attorney and along-with the sale deed, certain documents which are attached, they were all forged and during the investigation it was found that the present applicant along with others have prepared the forged documents i.e. Rin Pustika, Map etc. and has given the seal of Tahsildar. Thereby the offense has been committed.

3. Learned counsel for the applicant submits that other co-accused Syed Gaffar Ali and Bhuvan Sahu has been enlarged on bail by this Court and the applicant has only prepared the seal as he was running a printing press, consequently, it can not be stated that he has committed the offence and he is not the beneficiary. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicant and as appears he is not the beneficiary, and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram