

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8649 of 2016

Dev Kumar Vishwakarma, S/o. Niranjana Vishwakarma, Aged About 22 Years, Caste Lohar, R/o. Purana Bazar Para, Surajpur, Police Station, Tahsil & District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/01/2017

1. This is 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.336/2016 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 419, 420, 465, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Kailash that he being the owner of the land bearing Khasra No.973/3 at village Chandrapur and the co-accused Mangal Sai impersonated himself to be Kailash sold the land to Sanjay Kumar Sahu. It is alleged that the present applicant has identified Mangal Sai as Kailash; thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has only identified Mangal Sai and he is the attesting witness to the sale deed, therefore, no offence has been made out against

the present applicant. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Taking into the facts and circumstances of the case, it appears that Mangal Sai was identified as Kailash and the applicant is one of the attesting witness. Considering the role played by the present applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge