

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 91 of 2017

1. Ramesh Pradhan, S/o. Bheem Pradhan, aged about 40 years, Occupation-Agriculture, R/o. Village-Kodpali, Police Station & Tahsil – Pusaur, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Chandresh Shrivastava, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/02/2017

1. This is the second 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.543/2016, registered at Police Station – City Kotwali, District – Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to file a fresh after filing of the charge sheet vide order dated 24.11.2016 in M.Cr.C. No.7373/2016.
2. Case of the prosecution, in brief, is that a report was made by one Arjun Singh that the complainant purchased a land at village- Kathani, bearing Kh.No.254, 660/4 total admeasuring 1 acre 09 decimal.

Registry was made through document writer Suresh Prasad Bahidar and thereafter it was found that the said land belonged to one Jambo Bai, wherein the Manglu got his name mutated by forged documents and executed a sale deed and in the sale deed, the present applicant has signed as witness. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and the charge-sheet has been filed. He would further submit that the applicant has only signed as a witness to the sale deed and the applicant has not received the sale consideration. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 17.09.2016. 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 the learned counsel appearing on behalf of the parties.
6. Perused the case diary, documents and the statement of the complainant – Arjun Singh, wherein it is stated that the applicant has signed as a witness while the sale deed by Manglu was executed in his favour. Perusal of the document prima-facie it appears that no sale consideration was paid to the applicant. Taking in to degree of allegation and the role played by the applicant, 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