

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1123 of 2017

- Dev Kumar Vishwakarma S/o Niranjan Vishwakarma, Aged About 23 Years
Case- Lohar, R/o Purana Bazar Para, Surajpur, Police Station, Tahsil And
District- Surajpur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through- The Police Station, Surajpur District-
Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-03-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 3-10-2016 in connection with Crime No. 336 of 2016, registered at Police Station Surajpur, District Surajpur (CG) for the offence punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC.
2. Case of the prosecution, in brief, is that a report was made by Kailashs 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 present applicant has identified Mangal Sai as Kailash, therefore, the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that this is second bail petition and earlier first bail application was dismissed on 11-1-2017 due to wrong facts. He would further submit that in-fact the applicant was the driver of Sanjay Kumar Sahu, purchaser of the land who earlier

lodged the complaint. He referred to the affidavit filed by Sanjay Kumar Sahu and would submit that in the sale deed the applicant identified the purchaser, not the seller and the purchase Sanjay Kumar Sahu has also been granted bail vide order dated 14-12-2016 passed by this Court in M.Cr.C.No. 7455 of 2016, therefore, the present applicant may be released on bail.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. State counsel was directed to verify the fact that whether present applicant was driver of purchaser Sanjay Kumar Sahu. State counsel placed on record the verification report dated 21-3-2017 in which it is stated that present applicant was the driver of purchaser of Sanjay Kumar Sahu.
7. Taking into consideration the facts and circumstances of the case and further considering the verification report and also affidavit filed by the purchaser Sanjay Kumar Sahu, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju