

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4370 of 2017**

Mahesh Kushwaha S/o Jagarnath, Aged About 39 Years Caste Koiree,
Occupation Service, R/o Village Champak Nagar, Police Station &
Tahsil Surajpur, Civil & Revenue District Surajpur, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Police Station Surajpur, District
Surajpur, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Shahid Ahmed Ansari, Advocate.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard on application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant.
2. This is the second bail application of the applicant. The first bail application of the applicant was decided on 3.5.2017 in M.Cr.C. No. 2402 of 2017 during the pendency of the investigation of the case. Presently, the investigation has been completed and the charge-sheet has been filed. The applicant has been arrested in connection with Crime No.336 of 2016, registered at Police Station – Surajpur, Chhattisgarh for the offence punishable under Sections 419, 420, 465, 467, 471 and 120-B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He, in the capacity of Secretary to Gram Panchayat, had simply entered the proposal of the Panchayat in the register regarding the mutation of the land purchased by the alleged sale deed which has been allegedly executed by impersonation. The applicant was not a party to the registration of the sale deed. Further, it is also submitted that all the co-accused persons have been benefited with grant of bail. Hence, it is prayed that the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this is the second application for grant of bail and there is no change of circumstances, hence, the application be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. Considering on the role played by the applicant in the said transaction and that he had not been a party in the execution of the alleged sale deed, and also taking into consideration that all the co-accused persons have been benefited with grant of bail in M.Cr.C. Nos. 1071 of 2017 & 1123 of 2017, it is found that this is a fit case for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi