

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 233 of 2018**

Shiv Kumar Tiwari S/o late Shri Ramapati Tiwari, aged about 48 years, R/o Ward No.8, Pithaura, PS and Tahsil Pithaura, District Mahasamund (CG)

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Pithaura, District Mahasamund (CG)

---- Respondent

For Applicant	:	Shri R. R. Sinha, Advocate
For Respondent/State	:	Shri Garry Mukhopadhyay, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 19.08.2017 in connection with Crime No. 65/2017 registered at Police Station Pithaura, District Mahasamund (CG) for the offence punishable under Sections 420, 467, 468 & 471 of IPC.

2. The case of the prosecution against the present applicant is that he is said to have got a piece of Govt. land mutated in the name of complainant Khemin Bai and subsequently had taken the said complainant to the bank where an account in her name was opened and her thumb impression were obtained on certain blank forms. Apprehending some untoward act on the part of the applicant, the complainant is said to have lodged a report before the SDO Revenue, which later on was investigated. During investigation, it was found that the present applicant has got the Govt. property situated on the side of National Highway mutated in the

name of Khemin Bai. Subsequently, when the said property was acquired by the National Highway Authority, compensation of rupees 7 lakhs for the said piece of land was deposited in the account of Khemin Bai which was subsequently withdrawn by the applicant using the blank forms on which the thumb impression of Khemin Bai was obtained.

3. Counsel for the applicant submits that except for the allegation, there does not appear any material available in the case diary to substantiate the contention made by the prosecution. He submits that it is a case where the complainant herself should have been an accused and when she realized that she was getting trapped, she lodged a false complaint against the present applicant implicating him in the offence. Thus, prays for grant of bail to the applicant.

4. Counsel for the State, however, opposing the bail application submits the statement of the complainant herself is sufficient to establish the prima facie offence against the applicant. He further submits that the very nature of act itself shows the gravity of the offence and the applicant under the said circumstances is not entitled for grant of bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly the nature of offence which is alleged and also taking into consideration the statement of complainant Khemin Bai, this Court is not inclined to grant bail to the applicant at this juncture.

6. Accordingly, the application filed under Section 439 CrPC for grant of bail stands rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**