

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7691 of 2017

- Laxmi Prasad Bareth S/o Late Shri Chherka Bareth, Aged About 75 Years Caste Dhobi, R/o Village Janjgir, Ward No.8, Shankar Nagar, Near Big Canal, P.S. And Tahsil Janjgir, District Janjgir-Champa, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir, District Janjgir-Champa, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ishwar Jaiswal, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2018

1. This is the first 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. 165/2017, registered at Police Station- Janjgir, District – Janjgir Champa(C.G.) for the offence punishable under Sections 420, 467, 468/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. It is submitted that the case against this applicant is of civil nature. The complainant Manoj Kumar Pandey has lodged false FIR against this applicant, hence, no case is made out against him for the offence of fraud, cheating and forgery. The

applicant is in jail since 20.7.2017 and he is willing to abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has deliberately after more than 10 years since the death of his father proceeded before the Revenue Court to get the mutation in his favour, on the basis of false averment made on the affidavit that he is the only successor of deceased Chherka Bareth, hence, clearly this is a case of cheating and forgery and no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. Complainant Manoj Kumar Pandey has lodged FIR in PS-Janjgir stating, that his father Ram Kumar Pandey has purchased the land in question through a registered sale-deed dated 27.7.1982 from the successor of Chherka Bareth namely Tiharu Bareth, Laxmi Prasad, Horilal and Devmati Bareth. The mutation was also effected and it continued till 2014-15. Later on, in the year 2015, the applicant moved an application before the Revenue Court stating on an affidavit, that he is the only successor of Late Chherka Bareth and on that basis the revenue entries have been amended and mutated because of which the complainant stand effected on that basis the case has been registered.
6. Considered.
7. Taking into consideration the nature of the case against this applicant and that he is in jail since 27.7.2017. Further, he is a local resident of District-Janjgri Champa. The trial of the case is likely to take some time

before its conclusion and no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.

8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha