

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1078 of 2018

1. Govind Thakur S/o Nanku Thakur Aged About 30 Years R/o Camp 2, Milan Chowk, In Front Of Mukesh Tailor, Ward No. 25, Chhavni, P. S. Chhavni, Tehail And District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Vimlesh Mishra S/o Shri Ram Mishra Aged About 30 Years R/o Camp 2, Milan Chowk, In Front Of Mukesh Tailor, Ward No. 25, Chhavni, P. S. Chhavni, Tehail And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Shri B.P. Singh, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2018

Heard.

1. The applicants have been arrested in connection with Crime No.54 of 2016 registered in Police Station- Durg (City Kotwali), District -Durg (C.G.) for the alleged commission of offence under Sections 419, 420, 467, 468, 471, 120-B IPC.
2. Case of the prosecution, in brief, is that one Durga Prasad filed an application under Section 156 (3) Cr.P.C. before the Magistrate alleging that one P.N. Mishra has prepared a fake power of attorney and sold his land admeasuring 1560 sq.ft. The allegation against the applicant is that the applicants are the witnesses to the said fake power of attorney.
3. Learned counsel for the applicants would submit that the applicants have

been falsely implicated. The investigation is complete and charge sheet has been filed and various opinions, after taking specimen signatures of the applicants, have already been obtained from Forensic Science Laboratory and at present there is no requirement of keeping the applicants in jail. According to learned counsel for the applicants, the prosecution case that P.N. Mishra prepared fake power of attorney itself is highly doubtful. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. He would submit that from the diary and reports which have now been received from the FSL, a prima facie case is made out against the applicants in view of allegation that Durga Prasad did not give any power of attorney to P.N. Mishra and P.N. Mishra is still absconding. Therefore, under these circumstances, the applicants are not entitled to grant of bail.
5. Having considered the submissions made by learned counsel for the applicants, taking into consideration the material on record and considering that the investigation is complete, charge sheet has been filed and that even during the detention, the applicants' specimen signatures were already taken and various reports obtained, I am inclined to grant bail to the applicants.
6. The application is accordingly allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge