

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1738 of 2018**

Jagdish Bansal S/o Shri Ramphal Agrawal Aged About 55 Years R/o Ward No. 11 Sakti Police Station Sakti District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sakti District Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Otwani, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.
For the Objector	:	Shri Ramesh Nair, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.03.2018**

Heard.

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.65 of 2018, registered at Police Station – Sakti, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The only allegation against this applicant is that the sale deed registered on 20.4.2015 in favour of this applicant was under valued because of which, loss has been caused to the State Exchequer. The applicant is ready to pay the difference of the stamp duty as

and when he is informed by the authorities in this respect. The applicant is in jail since 22.2.2018 and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant alongwith vendors of the said sale deed filed a declaration for the purpose of execution of sale deed stating that the subject matter of the sold land was situated 500 meters away from the National Highway. On an enquiry made by Sub-Divisional Officer (Civil), it was found that the land in question was lying adjacent to the National Highway and because of which loss of stamp duty of Rs.2,21,122/- has been caused to the State Exchequer. Hence, the applicant is not entitled for grant of bail.

4. Learned counsel for the Objector submits that the sale deed of the land in question has been executed on the basis of the forged document whereas the said land belongs to the State Government for which the Objector has separately filed a complaint against the applicant and others. Hence, the applicant is not entitled for grant of bail.

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

6. The case against the applicant, briefly discussed herein above, is that the present case against this applicant is based on the FIR lodged by the Tehsildar regarding the loss caused to the State Exchequer. The objection raised on behalf of the Objector is a separate matter which is not an

allegation in the FIR lodged in this case.

7. Considered the nature of the offence committed and perused the contents of the case-diary. The purpose of granting bail is only to secure the presence of the accused persons before the trial Court. Presently, the case is under investigation, the applicant is a local resident of Sakti, District Champa and no purpose would be served if the applicant is kept in detention upto completion of investigation and the trial. Hence, for these reasons, I feel inclined to grant regular bail to the applicant on a condition that he will cooperate with the investigation and appear as and when directed.

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

9. 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, for his appearance as and when directed. He shall also cooperate with the investigation.

10. In view of above, I.A. No. 2 of 2018, an application for grant of interim relief and I.A. No. 3 of 2018, an application for urgent hearing stand disposed off.

11. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge