

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2857 of 2018**

Khorbahara Tarak S/o Late Shri Firanta Tarak, aged about 70 years, R/o Village Kolar, Police Station Abhanpur, Tahsil Abhanpur, District Raipur (C.G.)
----Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police of Police Station Abhanpur, District Raipur (C.G.)
---- Non-applicant

For Applicant	:	Ms. Smiti Jha, Advocate.
For Respondent/State	:	Mr. Anil Pillai, Dy. A. G.

Hon'ble Vacation Judge**Order On Board****25/05/18**

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 and is in jail since 04.03.2018 in connection with Crime No. 01/2016, registered at Police Station- Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 420, 466, 467, 468, 471, 34 r/w 120-B of the Indian Penal Code.

2. Case of the prosecution against the present applicant, in brief, is that the present applicant in connivance with other accused persons, some of whom are officers of the Revenue Department, have got government grass land converted into land use and the applicant has been shown to be the beneficiary of the said land.

3. Learned counsel for the applicant would submit that the age of the applicant is more than 70 years and he is totally illiterate person and it appears that some other persons have committed the act behind the back of the applicant and the present applicant has been used to be the person behind the offence.

4. On the other hand, learned State counsel would oppose the bail application on the ground that since the applicant is beneficiary himself it cannot be said that the act has been committed behind his back.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Given the facts and circumstances of the case and considering the age of the applicant, the period of custody of two and a half months and also the nature of offence, this Court is of the opinion that strong case for grant of bail to the applicant is made out.

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 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.

Sd/-
(P. Sam Koshy)
V. Judge