

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7988 of 2017

- Lakhan Prasad S/o Shri Sonsai Yadav, Aged About 70 Years, Caste Rawat, R/o Village Korla, P. S. Dharamjaigarh, District Raigarh Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Dharamjaigarh, District Raigarh Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Saraf, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-09-2017 in connection with Crime No.217/2017 registered at P.S. Dharamjaigarh, District Raigarh Chhattisgarh for the offence under Section 417, 418, 419, 420, 467, 468, 469, 470, 471, 120(B) of the IPC.

2. It is submitted on behalf of the applicant that this applicant was induced by the main accused Saheb Ram Choudhari and Amarlal Patel who had given inducement to the complainant to purchase the land in question and prepared all the documents. On the inducement given, the applicant stood before the registration officer for the alleged impersonation of the complainant, for which, the applicant has received only Rs.10,000/- from the main accused persons. Hence, he is not the person who played the main role in the said fraudulent transaction. He is local resident of District Raigarh and is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application

and submission. It is submitted that the applicant had actively participated in commission of the said offence by remaining present all through in the negotiation and registration of the sale-deed. Hence, looking to the allegation against him, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. A complaint was made by Setram Choudhari in P.S. Dharamjaigarh stating that co-accused Amarlal Patel and Saheb Ram Choudhari proposed him to purchase 5 acres land situated in Durgapur. When he went to see the land co-accused Ramnath Baiga was present on the spot, it was at that time papers were prepared and on the instruction of co-accused Amarlal, the purchaser of the land, the complainant, gave Rs.60,000/- cash and 6 cheques of different amounts to Ramnath. Thereafter, he did not get the papers of registry and on enquiry he came to know that fraud has been committed. Hence, the FIR was lodged.

6. Considered on the submissions made and the contents of the case diary. Applicant Lakhan Prasad has been identified from the photograph affixed on the registry paper, but no TIP has been conducted for identification of this applicant by the complainant in this case, hence, for this reason, I am of this view that the applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge