

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7928 of 2017

- Goutam Dhimar S/o Late Pardeshi Ram Aged About 38 Years R/o Dhimarapara, Dhamdha, Tahsil Dhamdha, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dhamdha, District Durg Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. S.K. Guha, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.114/2016, registered at Police Station – Dhamdha, District– Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 29.6.2017. Charge-sheet has been filed, after completion of investigation and there is no progress in the trial. Applicant is ready to abide by all the conditions and directions, which may be imposed while

granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is the main accused in this case, who committed the offence of forgery and cheating. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that by giving a false information to the Nagar Panchayat, Dhamdha, he obtained a death certificate of complainant Rajbati @ Rajo Bai and submitted the same before the Revenue Officer for partition of land. Complainant Rajbati is the grandmother of this applicant. On inquiry being made, it was found that the complainant is still alive and her death certificate is forged one. Complainant Rajbati @ Rajo Bai has lodged FIR in this case.
6. Considered.
7. The allegation against this applicant that he gave false information about the death of his grandmother namely Rajbati @ Rajo Bai based on which a death certificate was issued by the competent authority.
8. Considering the totality of case and the fact that this applicant is in jail since 26.9.2017 and there is no progress in the trial pending against him, I am of this view that this is a fit case where applicant should be released on regular bail.
9. Accordingly, the 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 his

appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha