

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1005 of 2018

- Murleeram Sahu S/o Ledga Aged About 51 Years R/o Ward No. 2, Bajrangpur, Navagaon, P. S. Kotwali, District Rajnandgaon, Chhattisgarh Through His Son Kamta Prasad Sahu S/o Murleeram Sahu, Aged About 37 Years, R/o Bajrangpur, Navagaon, Ward No.2, Bajrangpur, Navagaon, P.S.Kotwali, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate, District Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Sunil Pillai, Advocate
For State	:	Shri Anand Dadariya, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/09/2018

This petition is directed against order dated 20/04/2018 passed by the Revenue Court by which the order of rejection of application under Section 437 (6) CrPC has been upheld.

2. The petitioner was arrested on the allegations of having committed offence under Section 201, 467, 468, 419, 471, 420 read with Section 34 of IPC on 11/01/2017. It is alleged that the petitioner submitted property documents of the third party and created mutation in order to obtain loan from the bank and obtained loan of Rs.5,00,000/-. Later on, when the petitioner defaulted in repayment of loan, the bank scrutinized and then it was revealed that the petitioner, in order to obtain loan, fraudulently placed documents of property of some other persons.

3. The trial commenced on 14/09/2017. By now, only 9 out of 15 witnesses have been examined. In these circumstances, the application under Section 437 (6) CrPC was filed which was rejected by the Trial Court. The revision filed against the same was also rejected. Learned Trial Court recorded that if the petitioner is released, he is likely to tamper with the prosecution witnesses.

4. Learned counsel for the petitioner has relied upon the order passed by this Court in the case of **Suneshwar Singh Thakur v. State of Chhattisgarh**. It is submitted that in the circumstances of the case, when the trial has not been concluded within a period of 60 days from the date first fixed for recording evidence and the petitioner is not responsible for delay in trial, he ought to be granted bail.

5. On the other hand, learned State counsel opposes the prayer and submits that looking to the nature and gravity of allegations and that in the event of grant of bail, the applicant is likely to tamper with the prosecution witnesses, the Trial Court rightly rejected the application.

6. Taking into consideration the totality of circumstances, nature and gravity of allegations, amount alleged to be involved, the applicant is in jail since 11/01/2017, trial has remained unconcluded and only 9 out of 15 witnesses have been examined and further, there appears to be no material that the petitioner, in the event of grant of bail, would tamper with the prosecution witnesses, this petition is allowed. The impugned order is set aside.

7. The petitioner shall be released on bail on his furnishing personal bond of Rs.20,000/- with two local sureties of the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court on each and every date of hearing, unless exempted.

Sd/-
(Manindra Mohan Shrivastava)
Judge