

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4343 of 2018**

- Manohar Prasad S/o Jawahar Prasad Aged About 41 Years R/o- Vrinda Nagar, Camp-1, Bhilai, Police Station Chhavani, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- Durg (City Kotwali), District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	: Mr. P. Chetan Kumar, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.54/2016, registered at Police Station Durg (City Kotwali), District-Durg (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471 & 120-B of the Indian Penal Code.
2. It is submitted by the learned counsel for applicant that the applicant has been falsely implicated in this case. He is in jail since 9.10.2017. The case is presently pending before the Court of Judicial Magistrate

First Class, Durg, and the trial is likely to take some time before its conclusion. No case is made out against this applicant, hence, it is prayed that he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegations against this applicant are serious in nature as on the basis of one forged Power of Attorney he has entered into an agreement for sale with three persons namely Smt. Neeraj Mishra, Prabhu Narayan Mishra etc. and received advance amount which clearly shows his intention to cheat. Hence, the application filed on his behalf is liable to be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the Power of Attorney purported to be given by Durga Prasad, Suresh Agrawal and Omprakash was forged showing one co-accused P.N. Mishra as the recipients of Power of Attorney. One Shakti, who is now dead, as recipient of Power of Attorney had entered into an agreement for sale with this applicant who, in turn, entered into agreement with three other persons and obtained advance amount from them. It is also alleged that this applicant is also a witness to the sale made by co-accused P.N. Mishra & Sujit Das. Hence, he is a party to the conspiracy for committing the offence of cheating and forgery.
6. Considered on the entire material present in the case diary, the fact that the applicant is in jail since 9.10.2017, the trial against him is likely to take some time before its conclusion, he does not have any criminal

antecedents and he is local resident of District-Durg, I am of this view that this is a fit case where the applicant should be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that 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.

(Rajendra Chandra Singh Samant)
Judge

Nisha