

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4775 of 2018**

- Subhan Khan S/o Shri Abdul Khan Aged About 56 Years R/o- Apapura, Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- The District Magistrate, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Respondent**

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| For Applicant  | : | Mr. Jitendra Gupta, Advocate.  |
| For Respondent | : | Mrs. Smita Ghai, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**31/07/2018**

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 in connection with Crime No.864/2017 registered at Police Station– Kotwali, District– Durg(C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 474/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. He has been roped as an accused only on the basis of the statement given by co-accused Sanjay Dwivedi, which is not legally admissible in evidence. Hence, it is prayed that no case is made out against this applicant.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that co-accused Sanjay Dwivedi has made statement on his memorandum, that this applicant is also engaged in similar kind of business of furnishing bail bonds on the basis of forged revenue papers, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case is this, that complainant Fini Khutel has lodged FIR that her husband Sanjay Dwivedi was engaged in the business of furnishing bail bonds of accused in the Courts on the basis of forged revenue papers. Accordingly said Sanjay Dwivedi was arrested and interrogated by the police and he gave statement to the police that this applicant is also involved in the similar business. Hence, this case.
6. Considered the entire material present in the case diary. No seizure of any fake or forged revenue papers etc. has been made from the possession of this applicant. Therefore, I am of this view that this is a fit case where applicant should be released on regular bail.
7. 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