

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4806 of 2018

Ajay Sao S/o Parshuram Prasad Sao Aged About 32 Years R/o- Ghasidas Nagar, I.H.S.I.B.P. Block No. 5, Quarter No. 3, Jamul, P.S. Jamul, Tehsil And District- Durg, Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh District Magistrate, Durg, District- Durg, Chhattisgarh.,
--- Respondent

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent/State	:	Shri Ashish Shukla, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

Heard.

1. The applicant has been arrested in connection with Crime No.54/2016 registered at Police Station – Durg (City Kotwali), District Durg (CG) for alleged commission of offence under Sections 419, 420, 467, 468, 471, 120-B of IPC.
2. Case of the prosecution is that one Durga Prasad filed an application under Section 156(3) Cr.P.C. before the Magistrate alleging that one P.N. Mishra prepared a fake power of attorney and sold his land ameasuring 1560 sq.ft. The allegation against the present applicant is that in the power of attorney, the photograph of the present applicant was affixed stating that this is the photograph of Durga Prasad.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the investigation is complete and charge sheet has been filed. The trial has not been concluded till date because the main accused P.N. Mishra is still absconding and therefore, the trial is not likely to be concluded early.
4. On the other hand, learned State counsel opposes bail application and submits that from the contents of the diary, prima facie case is made out against the applicant because in the forged power of attorney, the photograph is that of the present applicant.
5. Having considered the submission of learned counsel for the parties, taking

into consideration the material on record, further taking into consideration that the trial has not been concluded till date and the applicant has remained in jail for the last more than 10 months and other co-accused namely Govind Thakur and Vimlesh Mishra, said to be witnesses of the power of attorney, have already been enlarged on bail vide order dated 04.05.2018, therefore, I am inclined to grant bail to the present applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Sd/-
(Manindra Mohan Shrivastava)
Judge