

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4829 of 2018**

Hunnar Singh @ Hunar Singh S/o Shri Ganesh Ram Sidar Aged About 58 Years Occupation Agriculturist, R/o Village Dataud, P.S. And Tahsil Jaijaipur, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Jaijaipur, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Surfaraj Khan, Advocate.
For the Respondent/State	:	Shri Anupam Dubey, Dy.G.A.
For the Objector	:	Shri Atanu Ghosh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.08.2018**

Heard.

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. 242 of 2014, registered at Police Station Jaijaipur, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.6.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. It is further submitted that the case is based on

documentary evidence and all the documents are submitted in the investigation. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has sold paddy to the Paddy Purchase Centre in excess to his entitlement on the basis of the forged revenue papers. Hence, he is not entitled for grant of bail.

4. Learned counsel for the Objector submits that the objector has filed various complaints to the authorities and failing in that, he was compelled to file a writ petition before this Court bearing W.P.(C) No. 703 of 2013 and in the said petition this Court vide order dated 23.8.2013 directed the State Authorities to enquire on the complaint. After the registration of case against the applicant, he was again not arrested by the police authorities because of which, the objector was again compelled to file W.P. (Cr.) No. 76 of 2018, in which directions were given by this Court to proceed with the investigation in the case registered against him and this shows that the applicant is an influential person. Hence, he is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant has been briefly described above that by making sale of excess paddy than his entitlement on the basis of forged document, he has caused loss of Rs.3,75,612/- to the State exchequer in the year 2011-2012.

7. Presently, the applicant has submitted to the criminal jurisdiction and in the process of investigation and trial of the case, it is likely to take considerable time and there is no requirement to keep the applicant in custody continuously till the end of all the proceedings. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge