

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4980 of 2018

- Amarnath Dhiwar S/o Shri Punnilal Dhiwar Aged About 30 Years R/o Village Baima, P. S. Sarkanda Distt. Bilaspur Civil And Revenue Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Sarkanda Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Manoj Kumar Sinha, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

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.524/2017, registered at Police-Station-Sarkanda, District-Bilaspur(C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-b/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 04.06.2018. No case is made out against him. Applicant was simply

attesting witness in Power of Attorney that was executed by one Pratibha Mishra in favor of the co-accused Dashrath Sahu. Applicant is not one of the beneficiary of the fraudulent sale. Hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against this applicant is this, that a forged Power of Attorney was executed in favor of co-accused Dashrath Sahu in which the land owner Pratibha Mishra the complainant was impersonated by another co-accused person. Later on, the land belonging to complainant was sold to Santoshi Kashyap the co-accused in this case and again the same was transferred to Power Tech Company for price Rs.38,88,000/-. Hence, this case.
6. As it appears that this applicant has played a limited role in this case, for this reason, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge