

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5182 of 2018**

Chitrasen Dewangan S/o Shri Umashankar Aged About 32
Years R/o Village Bhismundi, Police Station Magarlodh, District-
Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station City Kotwali District- Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shailendra Dubey, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 101/2018 registered at Police Station City Kotwali, District Dhamtari (C.G.) for the offence punishable under Sections 420, 467, 468 and 471 of IPC.
3. Case of the prosecution, in brief is that the name of the complainant is Premlal Sahu, who is resident of village Khapri. The applicant used forged Rin Pustika and executed sale agreement with the complainant for the 2 hectare land situated at village Bhaismundi. Applicant received Rs. 10,50,000/- from the complainant.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, charge-sheet has been

filed, applicant is in custody since 27/02/2018 and offences are triable by Judicial Magistrate First Class, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no previous antecedent against the present applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time and applicant is in jail since 27/02/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge