

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5225 of 2018**

- Rajesh Kumar Chakradhari S/o Dammarlal Chakradhari Aged About 32 Years R/o Village Saabahara, Police Station Gourela, Tehsil Pendraroad District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gourela, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Ashok Soni, Advocate.

For Non-applicant : Shri Sangharsh Pandey, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 152/2018 registered at Police Station – Gourela, District – Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the land bearing khasra No. 118/3 admeasuring 0.33 acre in village – Saabahara was recorded in the name of Sarodhan Singh. Sarodhan Singh has passed away. His son co-accused Kripal Singh executed the sale deed in favour of Smt.

Sunita Chourasiya. Co-accused Kripal Singh projected Veeran Singh as Sarodhan Singh. The broker Tulichand Chakradhari, applicant, Kotwar Durgesh made assistance in the said transaction.

4. The applicant is in custody since 02.07.2017.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application however, submits that there is no antecedent against the applicant.
7. Prima facie, there is no such evidence that the applicant had identified Veeran Singh as Sarodhan Singh.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE