

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5382 of 2018**

Sanjeev Kumar Thakur, S/o Shri Tibhu Ram Thakur, aged about 33 years, Service Shiksha Karmi Grade III, Posted at Government Primary School, Devada, District Bemetara (CG), R/o Village Kareli, Police Station Berla, District Bemetara (CG).
---- Applicant

Versus

State of Chhattisgarh, through District Magistrate Durg, District Durg (CG).
---- Non-applicant

For Applicant : Mr. N.S. Dhurandhar, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

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 counsel for the State in connection with crime No.103/2018 registered at Police Station Nandni, District Durg for the offence punishable under Sections 419, 420, 467, 468/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that the present applicant executed an agreement with complainant Rajesh Mundada to sale land. The applicant represented himself that he is Tibhu Ram Thakur. The alleged land is in the name of Tibhu Ram Thakur. The applicant affixed his photo in place of Tibhu Ram Thakur in the said sale agreement and Rin Pustika and received Rs. 6,00,000/- as advance from the complainant and thereby committed the aforesaid offence.

4. The applicant is in custody since 15.04.2018.
5. Counsel for the applicant submits that the applicant has not committed any offence, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; there is no previous criminal antecedent against him, charge-sheet has already been filed; offences are triable by JMFC; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the 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 two solvent sureties for a sum of Rs.30,000/- each along with a personal bond in the sum of Rs.60,000/- to the satisfaction of the concerned Trial 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 co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-