

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6787 of 2017**

Jaydev Bairagi, S/o. Shri Kalidas Bairagi, Aged About 38 years, R/o. Village Pandari Mahua, Thana and Tahsil - Dharamjaygarh, Civil and Revenue Distt. Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station -Dharamjaygarh, Civil and Revenue Distt.- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/01/2018**

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.217/2017, registered at Police Station – Dharmjaygarh, District – Raigarh (C.G.) for the offence punishable under Section 417, 418, 419, 420, 467, 468, 469, 470, 471 and 120-B 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 only for the reason that some amount of sale transaction has been deposited in the

account of the wife of this applicant through -cheque given by the purchaser of the land – Setram. No offence is made out against the applicant on the basis of the material in the prosecution case, charge-sheet has been filed in this case after the completion of investigation and there is no requirement of further detention of the applicant in jail. Therefore, it is prayed that the applicant be released 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 offence committed is of serious in nature, therefore, he is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the land belonging to Ramchand Yadav was sold by co-accused Lakhan Yadav impersonating as original owner. On discovering about this commission of offence, the original owner Ramchand Yadav has lodged FIR. It has been found in the investigation that applicant was the member of conspiracy for alleged sale by impersonating and it was also found that Rs.2,50,000/- has been transferred to the account of the wife of this applicant by the purchaser of the land.
6. Considered the submissions made and the contents of the case diary. Looking to the evidence on record i.e. proposed against the applicant for his trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram