

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7530 of 2017**

Badkhadau @ Konda, S/o. Faganu Satnami, Aged About 80 Years,
Occupation -Labour, R/o. Jagatpur, Tahsil and District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate -Raigarh, (Police Station
Chakradharnagar) District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mrs. C.K. Nawrang, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/02/2018**

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.361/2012, registered at Police Station – Chakradharnagar, District – Raigarh (C.G.) for the offence punishable under Section 419, 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. Applicant is in custody since 21.07.2014, co-accused persons in this case have been enlarged on bail by the Coordinate Bench of this Court. It is further

submitted that the applicant is a 80 years of old man suffering from various old age ailments and is ready to abide by all the conditions imposed on him while releasing him on bail. Therefore, 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. It is submitted that applicant was the person, who has impersonated as Shyamlal in the sale deed, which is alleged to have been executed fraudulently, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that the co-accused Sanjay Kumar Sahu, Thanda Ram and Nithin Sinha negotiated and transferred the land belonging to Shyam Lal in the name of co-accused Nitin Sinha, in which this applicant impersonated as Shyam Lal before the registering authority. The original owner Shyam Lal has filed FIR, on that basis, this applicant has been made accused, the case is before the trial Court and the trial has not concluded yet.
6. Considered the submissions made and the contents of the case diary. Taking into consideration all the material present in the case diary and the role played by this applicant and further taking into consideration this fact that the applicant is in jail since 21.07.2014 and co-accused in this case have been enlarged on bail by the Coordinate Bench of this Court, hence for this reason, 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