

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8055 of 2017**

Vijay @ Bhuwan Baghel @ Vijay Kumar Gada, S/o. Sudarshan Baghel, Aged About 32 Years, R/o. Village Darrapara, Gariyaband Tahsil And District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Magarload, District -Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.S. Patel, Advocate

For Respondent/State : Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/03/2018**

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.36/2017, registered at Police Station –Magarload, District – Dhamtari (C.G.) for the offence punishable under Section 420, 467, 468, 471, 256, 201, 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. No case is made out on the basis of the material present in the charge-sheet. Applicant is in jail since 04.03.2017, he is local resident of District- Dhamtari and he is

ready to abide by all the conditions imposed for grant of bail, therefore, it is prayed that the applicant may be enlarged on 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 the applicant is the main accused and author of all forged documents, which was used by the beneficiaries for obtaining loan from the bank on fake grounds, 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 allegation against this applicant is this that he has authored the forged revenue documents, which was used by the beneficiaries i.e. co-accused persons namely Ram Gopal Sahu, Kishan Dewangan, Chaitram Gada and Om Prakash Rawat for getting sanctioned the loan from Gramin Bank, Magarload. It is alleged that co-accused persons also impersonated the real land owners in getting the loan sanctioned in their favour. On the memorandum statement given by the co-accused, name of this applicant was reflected, hence this applicant was apprehended and at his instance some articles and forged documents were seized from his possession.
6. Considered the submissions made and the contents of the case diary. As the case is, the beneficiaries, who have impersonated for getting sanction of the loan have been granted bail by the Coordinate Bench of this Court. Case of this applicant though is not similar that of the co-accused persons, but for the reason that he himself is not the beneficiary and that his availability before the trial Court can be

ensured by imposing conditions and there is no likelihood of his absconsion, 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