

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7636 of 2017

Om Prakash, S/o. Bhagwan Das, Aged About 48 Years, R/o. Village Kapan, Khamhariya Nirtu, Police Station Masturi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aman Kesharwani, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.01.2018

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.408/2015 registered at Police Station- Masturi, District Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code. The first bail application was dismissed on 08.08.2016 in MCRC No.3104/2016 and second bail application was dismissed on 23.11.2016 in MCRC No.7719/2016.
2. As per the prosecution case, the applicant alongwith his sisters Shanti Bai, Sandhya Kaushik, Chameli Kaushik & Usha Bai were holding land and by impersonating the other ladies as sisters get the sale deed executed on the basis of power of attorney. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is in jail since 28.12.2015, the other co-accused have been

enlarged on bail and trial will take some time, therefore, the applicant may be released on bail. He placed the copy of the order of the Sessions Court for perusal and submits that the applicant was acquitted for the offence under Section 302 of I.P.C. in Sessions Trial No.156/99 by the Sixth Additional Sessions Judge, Bilaspur and no other case is pending.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the other co-accused have been enlarged on bail and the applicant is in jail since 28.12.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge