

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8826 of 2018**

Amarnath Rai, aged about 60 years, son of late Yudhisthir Rai, R/o Khalbada, Gudhiyari, Tahsil and District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Khamtarai, District Raipur (CG).

---- Non-applicant

For Applicant : Ms. Laxmeen Kashyap, Advocate.

For Non-applicant/State : Mr. Ashok Kumar Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.12.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.376/2018 registered in Police Station Khamtarai, Raipur, District Raipur for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
3. Prosecution story in brief is that co-accused Mohd. Zulfikar installed a manufacturing machine of bricks on the land of complainant Damanjeet Singh. Co-accused Danish Alam is a partner in that business. The applicant Amarnath Rai had given the Power of Attorney to co-accused Mohd. Zulfikar regarding the said land and he was not the actual owner of the disputed land.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State submitted that one criminal case under Sections 420, 467, 468, 471, 427, 506 & 120(B) of IPC have already been registered against the applicant hence he is not entitled for grant of bail.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.

7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-