

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3661 of 2019**

- Tapan Sarkar S/o Late Ravindra Nath Sarkar Aged About 46 Years R/o Sikola Bhata, Police Station- Mohan Nagar, District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District- Magistrate, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri BP Singh, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/09/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 613/2018, registered at Police Station – Supela, District- Durg, (C.G.) for the offence punishable under Sections 420, 467, 468, 120-B & 201 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that Amit Shrivastava and Nitin Shrivastava are Directors of one Yash Group, which owns lands at Priyadarshini Parishar, Bhilai and those lands have been attached by the Government. On 03.07.2018, a written report was made by Satish Chandrakar alleging that both the said Directors of Yash Group, Tapan Sarkar and other co-accused persons conspired for committing a forgery by preparing forged

agreements to sell the attached property of Yash Group, which, at that time, had a market value of Rupees Six to Seven Crores. Allegedly, the accused persons prepared three agreements to sell in November, 2017 and January, 2018 on blank stamp papers which were purchased in the year 2013, but those three agreements have been shown to be executed on 06.09.2014 i.e. prior to the attachment of the property in question and thereby the accused persons have committed the aforesaid offence.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that on the basis of evidence collected by the prosecution, no *prima facie* case under Sections 420, 467, 468, 471, 120-B and 201 of the Indian Penal Code is made out against the present Applicant. It has been further submitted that even if the evidence collected by the prosecution is taken as it is, it is clear that the alleged forged agreements to sell have not been used. From the evidence, *prima facie* it is established that the alleged offence of fraud was at preparation stage only and mere preparation does not attract the offence alleged against the present Applicant. He further submits that other co-accused persons namely Lakhan Singh, Shailesh Tiwari, Gautam Asudani, Ranjeet Singh @ Rane and Labahadur @ Lalu Verma have already been granted bail by this Court. He lastly submits that the Applicant is in custody since 11.03.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the Applicant may be enlarged on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.

6. Considering the facts and circumstances of the case, the submissions put-forth on behalf of the parties, the evidence collected by the prosecution and the period of detention of the Applicant, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge