

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4157 of 2019

- Bhagirathi Tamrakar S/o Late Shri Kunjlal Tamrakar Aged About 56 Years R/o Tamer Para, Dhamdha, Tahsil Dhamdha, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dhamdha, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajkumar Gupta, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/07/2019

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. 51/2009, registered at Police Station – Dhamdha, District- Durg (C.G.) for the offence punishable under Section 420, 467, 468 & 471 of the IPC.
2. As per prosecution story, complainant of the case Susheel Kumar Patel, R/o village Pendri lodged a report against the applicant in concerned police station alleging therein that his father Ghanshyam Patel borrowed Rs. 4,000/- from the applicant before 12 years ago and mortgaged his land. Thereafter, the applicant has deposited the said amount and asked the applicant for returning his mortgaged land documents, but the applicant has refused to do so by saying that his father has registered the said land on his name. On the basis of said background, offence has been registered. During course of investigation, the applicant has been arrested on 13.03.2019 and

since then he is in custody.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that mutation of the said land has also done, therefore, prima facie no case has been made out against the applicant. He further submits that from the evidence collected by the prosecution itself shows that the registered sale deed have been executed by father of the complainant in favour of the applicant in the year 2007. The applicant is in custody since 13.03.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution and further considering the fact that the applicant is in custody since 13.03.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge