

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4536 of 2019**

Viran Bhaina, aged about 76 years, S/o Chunku Bhaina, Caste Bhaina, R/o Village Sarbahra, P.S. Gaurella, Tahsil Pendra Road, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Gaurella, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Hemant Gupta, Advocate.
For Non-applicant/State : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.08.2019

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.152/2018 registered in Police Station Gaurella, Revenue and Civil Bilaspur for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
3. Prosecution story in brief is that the land bearing khasra No.118/3 ad-measuring 0.33 acre in village Saarbahara was recorded in the name of Sarodhan Singh. Sarodhan Singh has passed away. His son co-accused Kripal Singh executed the sale deed in favour of Smt. Sunita Chourasiya. Co-accused Kripal Singh projected applicant as Sarodhan Singh. The broker Tulichand Chakradhari, co-accused Rajesh Kumar Chakradhari, Kotwar Durgesh made assistance in the said transaction and consideration was of Rs.1,30,000/-.

4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, she submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, looking to the amount of consideration, 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/- 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 and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-