

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4779 of 2019**

- Sukh Singh S/o Firtu Ram Aged About 45 Years Caste- Dhanuhar, R/o Village- Mahuda, Police Station- Champa, District- Janjgir- Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Champa, Civil And Revenue District- Janjgir- Champa, Chhattisgarh

----Non Applicant

For the Applicant : Mr. Punit Ruparel, Advocate

For Non Applicant : Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 12.03.2019 passed in MCRC No.1529 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.179/2018 registered at Police Station- Champa, District- Janjgir-Champa(C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471, 34 of the Indian Penal Code, 1860.
4. Case of the prosecution in brief is that the true owner of the disputed

land was complainant Shekhar Chand Dewangan. It is alleged that co-accused Shivnath @ Kaliya executed the sale of disputed land in favour of Vijay Kumar Thakur and Bhagwati Bhai Patel impersonating himself as Shekhar Chand Dewangan. It is also alleged that applicant and other co-accused assisted co-accused Shivnath @ Kaliya. Applicant identified co-accused Shivnath @ Kaliya as Shekhar Chand Dewangan.

5. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case. He further submitted that applicant is in jail since more than one year. The role of the applicant has not been described in the charge sheet. Other co-accused has been granted bail by this Court. The case of applicant is similar to that co-accused. Hence he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant.
7. As per the case diary, applicant had identified co-accused Shivnath @ Kaliya as Shekhar Chand Dewangan. The role of applicant is not similar to other co-accused who have been released on bail. The role of applicant is more severe than those co-accused who are released on bail by this Court.
8. Mere detention period is not itself a sufficient ground to release the accused on bail.
9. Looking to the above mentioned facts and circumstances of the case, there is no change of circumstance which may entitle the applicant to be released on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge