

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5450 of 2019

T. N. Sharma S/o Late Haricharan Sharma Aged About 65 Years R/o Village Navagaon, Police Station City Kotwali, Mungeli, District Mungeli (CG)
---- **Applicant**

Versus

State Of Chhattisgarh Through S.H.O., Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh
---- **Respondent**

For Applicant	:	Shri Ravindra Sharma, Advocate
For Respondent/State	:	Shri Aditya Bharadwaj, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/09/2019

Heard.

1. The applicant has been arrested in connection with Crime No.94 of 2017 registered at Police Station- City Kotwali, District Mungeli (CG) for the alleged commission of offence under Section 420, 467, 468, 471 & 120-B of IPC.
2. Case of the prosecution is that one Punaram impersonated as Ramji and submitted a partition deed before Patwari which led to partition of holding and substitution of name of Ramji in place of Atmaram Sahu. It is alleged that a forged rin pustika was prepared and then submitted before the Court by Atmaram Sahu who stands as surety for the purpose of grant of bail.
3. Learned counsel for the applicant would submit that though at the relevant time, he was working as Superintendent Land Record, he was not involved in any such alleged impersonation. He acted bonafide on the basis of revenue records. The allegation of impersonation is on Punaram. He would further argue that other co-accused namely Atmaram Sahu, Siddhram Sahu, Mirza Azeem and other accused have been granted bail. The appellant had surrendered before the Court below on 06.08.2019 and since then, he is in jail. It is submitted that the entire case being mostly based on documentary evidence, further detention of the applicant may not be necessary.

4. On the other hand, learned counsel for the State opposes the bail application and submits that as far as present applicant is concerned, he was absconding and he has surrendered only on 06.08.2019. He submits that in so far as the present applicant is concerned, charge-sheet has not been filed and if he is granted bail, at this stage, it may adversely affect the trial.
5. Taking into consideration the submission of learned counsel for the parties, the material and case diary and also taking into consideration that the allegation of impersonation is on another accused and that present applicant is in jail since 06.08.2019 and that the prosecution case depends mostly on documentary evidence, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
7. The bail is also being granted on specific condition that the applicant will have to fully cooperate during investigation. In case, the applicant does not cooperate with investigation, the Investigating Authority may apply for cancellation of bail.

Sd/-
(Manindra Mohan Shrivastava)
Judge