

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5529 of 2019**

- Anand Kasture son of late Sudharak Kasture, aged about 46 years, R/o Satyadev Nagar, Near Pendri School, Gandhi Road, P.S. Dharipur, Gwalior (M.P.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The District Magistrate, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.287/2014, registered at Police Station - Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 34 of IPC.
2. The allegation against the applicant and his wife is that the applicant is alleged to have conferred a power of attorney first to Arun Verma and later to Seema Philips for sale of his own house situated at Surya Vihar Colony, Phase 2, Patwari Halka Number 21, Plot No.07, Rakba 1900. According to which, the power of attorney holder sold the said house to Navin Kaushal. Later, the applicant canceled the power of attorney and sold the same house to complainant Kuljeet Singh, while the said house was mortgaged in the finance company. Based on this, offence has been registered. Present applicant has been taken into custody on 30.07.2014.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that his wife (co-accused) has already been granted bail by this Court on 15.12.2015 in MCRC No.6926/2015. He also submits that the present applicant is in custody for last five years, out of 11 witnesses, 7 witnesses have been examined, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, and further considering the fact that other co-accused has already been granted bail by this Court, the applicant is in custody since 30.07.2014, and the trial is likely to take some time, 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 his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge