

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6321 of 2019

- Brijlal Vishvkarma S/o Vishram Vishvkarma Aged About 45 Years
R/o Village Jogi Gufa Police Station Bori District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station
Kotwali District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhishek Sharma, Advocate
For Respondent/State	:	Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21/10/2019

1. The applicant has preferred this third bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 78/2017 registered at Police Station Kotwali, Civil and Revenue District- Rajnandgaon (C.G.) for the offence punishable under Sections 420 and 419/34 of the IPC (now the Trial Court has framed the charges under Sections 467, 468 & 471 of the IPC).
2. First bail application of the applicant was dismissed vide order dated 12/07/2017 passed in MCRC No. 3628/2017.

3. Second bail application of the applicant was also dismissed vide order dated 14.09.2018 passed in MCRC no. 5812/2018. However, it was directed by this Court to the Trial Court to decide the matter as early as possible.
4. As per prosecution story, the land in question belongs to complainant- Tularam. It is alleged that the present applicant, by showing his name as Tularam, sold the said land to one- Amita Bai. It is also alleged that co-accused Manish Kumar Vishvakarma, who is the son of Tularam, is one of the witnesses of the said sale-deed. Co-accused Manish Kumar falsely identified the present applicant as his father and thereby the present applicant along with him executed false and fabricated sale-deed in favour of Amita Bai. The present applicant was arrested on 01/02/2017.
5. Learned counsel appearing on behalf of the applicant submits that after rejection of second bail application vide order dated 12/07/2017 passed in MCRC No. 3628/2017, till date only three witnesses are examined before the Trial Court out of 13 witnesses. The applicant is in custody since 01.02.2017 i.e. more than two years eight months. Since, till date only three witnesses are examined, therefore, trial will take still more time. He submits that this Hon'ble Court may consider the detention period of the applicant and he may be granted benefit of regular bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

7. I have heard learned counsel for both the parties.
8. Considering the facts and circumstances of the case and the evidence collected by the prosecution. Without further commenting on merits of the case, this Court is of the opinion that the applicant shall be released only on the ground of his detention period.
9. Accordingly, this third bail application is allowed.
10. 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 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/-
(Arvind Singh Chandel)
Judge