

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10014 of 2018

- K Tatarao S/o Late K Apanna Aged about 55 years R/ Steel Nagar Camp. 1 Bhilai Ward No. 17 P.S. Chhawni Tehsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-City Kotwali Durg (C.G.)
- District Magistrate Durg, District Durg (C.G.)

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	: Mr. Sumit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/02/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 70/2018, registered at Police Station – City Kotwali, District- Durg (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. As per prosecution story, in this case father of the complainant namely P. Amru was the owner of plot No. 2 situated at Kailash Nagar, Durg (C.G.) measuring area 2400 SqFt. He was retired in the year 1991 and after his retirement he is residing at Vishakhapatnam. His son namely P. Pollaiya is also residing with him at Vishakhapatnam. In the year 2015-16, his son P. Pollaiya came to know the fact that the said land was sold by Chinnarao to V. Apparao. Allegation against the applicant is that he was the witness of the sale deed of the said land and he identified Chinnarao as P. Amru. On the basis of above, a report has been lodged by P. Pollaiya on 11.08.2017. On the basis of

said report offence has been registered and the applicant has been taken in custody on 03.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case, the applicant only identified the seller of the said land namely Chinnarao and at the time of identification, he did not know the original owner of the said land. He further submits that two accused person of the case are absconded, the applicant is in custody since 03.10.2018, charge-sheet has already been filed and trial will likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 03.10.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- 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