

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 850 of 2020

- Mahendra Yadav S/o Shailendra Yadav Aged About 23 Years Caste - Ahir, Occupation - Farmer, R/o Village - Khadgawan Kala, Police Chowki - Khadgawan, Police Station - Pratappur, District - Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The In Charge, Arakshi Centre Jainagar District - Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

 For Applicant : Shri G.P. Shukla, Advocate
 For Respondent/State : Shri Ayaz Naved, G.A.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

27.5.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.153/2019, registered at Police Station Jainagar, District Surajpur(CG) for the offence punishable under Sections 420, 467, 468, 471, 120B, 201 of the IPC.
3. As per the case of prosecution, complainant Gautam Prasad Rajwade lodged a report that the land bearing Khasra No. 126 rakba 3.590 hectares belongs to his father and it has been fraudulently entered in the name of present applicant by the Patwari Hem Prasad and thereafter, the applicant has obtained loan from the bank.

4. Learned counsel for the applicant submits the applicant is innocent and he has not committed any offence. He submits that the investigation authority has not collected any material evidence against the applicant and there are so many discrepancies in the investigation and main allegations are against the Patwari. He further submits that the applicant is in jail since 24.9.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has fraudulently obtained the land and thereafter loan on the same land.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and further considering that main allegations are against the Patwari; charge sheet has been filed and trial may take some for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE