

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3363 of 2020**

- Hem Prasad S/o Genduram aged about 28 years, R/o Village Kewra, Police Station and Tehsil-Pratappur, District-Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, outpost Latori, Police Station-Jainagar, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.
 For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 153/2019 registered at Outpost Latori, Police Station-Jainagar, District-Surajpur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B r/w 201 of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage by this Court on 16.03.2020 in MCRC No. 405/2020 along with 561/2020.
5. The prosecution story, in brief is that, complainant Gautam prasad Rajwade lodged a report that the land bearing Khasra No. 126 area 3.590 hectares belongs to his father and it has been fraudulently entered in the name of Mahendra Yadav by the Patwari Hem Prasad (applicant) and thereafter, the

Mahendra Yadav has obtained loan from the bank. Based on this offence has been registered against the applicant and other co-accused person Mahendra Yadav.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the co-accused Mahendra Yadav who has obtained the loan has already been granted bail in MCRC No. 850/2020 by this Court, therefore, the present applicant may also be granted benefit of bail. He next submits that the applicant is in jail since 15.11.2019, and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that the applicant along with other co-accused person fraudulently obtained the said loan from the bank, therefore, the applicant may not be enlarged on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the co-accused has already been granted bail, the applicant is in jail since 15.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge