

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3492 of 2020

- Gajadhar Chandel S/o Dashrath Chandel, Aged about 33 years, R/o New Bus Stand, Ward No. 07, Dhamdha, P.S. Dhamdha, District Durg (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through District Magistrate, Durg, District Durg (CG)

---- Respondent

 For Applicant : Shri Sourabh Shendre, Advocate
 For Respondent/State : Shri H.S. Ahluwalia, Dy.A.G.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

02.07.2020

1. Heard.
2. Admit.
3. 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. 884/2019, registered at Police Station, City Kotwali, Durg, District Durg (CG) for the offence punishable under Section 420 of the IPC.
4. As per the case of prosecution, the applicant has submitted Rin Pustika as surety and obtained bail of Sonu Mahobia @ Raunak, Special Case No. 10/2018. On enquiry, the Rin Pustika was found to be forged.
5. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the applicant is

absolute owner of the land bearing Khasra Nos. 1009 and 1010/1, 0.13 and 0.09 hectares respectively, but his name could not be transferred in the revenue records. He further submits that the applicant has bonafidely obtained the bail and he is in jail since 03.03.2020, and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has obtained bail by submitting forged documents.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the detention period of the applicant; charge sheet has been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. 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.
11. 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.

12. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE