

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5271 of 2020

- Bhola Prasad, S/o. Yogeshwar Prasad, Aged about 43 years, Caste Brahman, Resident of Village MIG-105, In front of New Bus Stand, Deen dayal Upadhyay Complex, durg, district Durg CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Saja district Bemetara CG

---- Respondent

For Applicant : Ms.Sharmila Singhai, Advocate
For Respondent /State : Shri Rahul Jha, GA
For Respondent/Objector : Shri Aman Tamboli, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 155/2020 registered at police station Saja, District Bemetara (CG) for the offence punishable under Sections 420,468 and 471/34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant has got his appointment to the post of Shiksha Karmi in the year 2008 on the basis of forged documents.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She submits that similarly placed co-accused has been granted bail by this Court in M.Cr.C. No. 430/2020 vide order dated 07.08.2020 and therefore the applicant may also be granted the benefit. He submits that the applicant is in jail since 02.07.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State as well as objector opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that similarly placed co-accused has been granted bail, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the

accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-

(Rajani Dubey)

Judge