

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5339 of 2020**

- Kanhaiya Lal Tamrakar S/o Narayan Sao aged about 75 years, R/o Shankar Nagar Durg, Tehsil and District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - District Magistrate Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/09/2020**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 191/2020 registered at Police Station Durg City Kotwali, District-Durg (C.G.) for the offence punishable under Sections 420, 467, 468 and 471 of the IPC.
3. The prosecution story in brief, is that the present applicant appeared before the Court of learned J.M.F.C., Durg to furnish bail bond of his near and dear with original document and on that date the accused was not able to say that whether earlier he took bail of any other accused therefore the learned Court below came to the conclusion that present applicant is unable to say the original facts, therefore, he committed fraud to the Court. Based on this offence has been registered against the present applicant.
4. 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 nothing false document has been recovered from the possession of the present applicant.

He also submits that the applicant is a 75 years old man and he is in jail since 07.03.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that the applicant did a very serious offence; therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is a 75 years old man and the applicant is in jail since 07.03.2020, 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- 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**