

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5959 of 2020**

- Lateludas Manikpuri S/o Late Shri Motidas Manikpuri Aged About 38 Years R/o Jarwai P/s Kabir Nagar (Amanaka) District Raipur, Chhattisgarh Civil And Revenue District Raipur Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Police Station Amanaka District Raipur, Chhattisgarh

---- **Respondent**

For Applicant	:	Shri Ajay Mishra, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/10/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.162/2014 registered at Police Station Amanaka, District Raipur for the offence punishable under Section 420, 467, 468, 471/34 of the IPC. The applicant was arrested on 12-07-2020.
2. Prosecution case is that the compensation was awarded in a land acquisition case to the tune of Rs.4,03,166/- in the name of Khedia Bai. It is alleged that co-accused and the present applicant presented another lady impersonating Khedia Bai, though Khedia Bai was no more and the compensation amount was diverted into other account. Specific allegation against the applicant is that the applicant identified other lady as Khedia Bai.
3. Learned counsel for the applicant would submit that in the present case, the applicant has not committed any offence. He would submit that the present applicant was working as Kotwar and as co-accused (Sarpanch) claimed that he knows Khedia Bai and on his instructions, the applicant bonafide identified her. He would next submit that initially, the applicant was not made accused, but he was only a prosecution witness when challan was filed and accused were

Lakhan Sahu, Devendra Sahu and Balram Kashyap, but, later on, finding that the applicant was one, who had identified the other lady impersonating Khedia Bai, he has also been made accused. It is lastly submitted that when investigation is complete, charge sheet has been filed and the applicant is in jail since 12-07-2020, he may be granted bail.

5. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the applicant was Kotwar of the village and he cannot be heard by saying that he identified another lady on the instruction of others. The applicant having identified another lady, who impersonated as Khedia Bai, clearly involved in the act of cheating and forgery.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the applicant was initially made prosecution witness and later on, he has been made accused on the allegation that on the instructions of other co-accused, he identified another lady as Khedia Bai and the fact that investigation is complete, charge sheet has been filed and the applicant is in jail since 12-07-2020 and further detention of the applicant does not appear to be necessary, the present is a fit case for grant of bail.

6. Accordingly, the bail application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge