

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7062 of 2020

- Rajesh Singh S/o Lt. Shambhu Singh, Aged About 45 Years, Occupation Driver, R/o Village Sardi, Police Station Charcha District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer / Thana Incharge Police Station Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri R.K. Gupta, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-09-2020 in connection with Crime No.243/2020 registered at P.S. Baikunthpur, District Koriya, Chhattisgarh for the offence under Section 120, 294, 506, 342, 365, 420/34, 467, 468 and 471 of the IPC.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The incident is alleged to have occurred on 06-10-2015, whereas, the FIR has been lodged on 19-09-2020 which is clearly belated by five years, hence, it is false and concocted. The complainant had full knowledge about the documents which he alleges that he had to execute, as the applicant and others used force upon him, even then he never complained during the whole five years. The applicant is in jail since 19-09-2020. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant is the person in whose name the forged power of attorney was existing, which was shown to be executed by the complainant

and the same has been used for making transfer of the disputed land to one Vijay Singh. The investigation is going on and whole racket may be revealed. Therefore, for the present the applicant may not be enlarged on bail.

4. Heard learned counsel for the parties and perused the documents.

5. Complainant Amrit Kumar has lodged the FIR stating that he was the owner of the disputed land. On 06-10-2015 co-accused Raja and Sanjay Agrawal came to him asking to sell his property. When the complainant refused to do so, he was forcefully taken by them in a vehicle and forced to place his thumb impression on some documents. The complainant did not report about this incident to any authority, however, when he came to know about transfer of his land on 06-07-2020, he lodged the FIR on 19-09-2020.

6. Considered on the submissions. It appears that there is clear delay of about five years in lodging the FIR, whereas the complainant had knowledge of the incident and execution of some papers from the year 2015. Therefore, without commenting on other material present in the case I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge