

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1115 of 2021**

Ramvriksh S/o Raghubar, Aged About 65 Years, Resident of Gurmuti, Police Chowki Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Incharge, Chowki Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Non-applicant

For Applicant : Shri Ram Vifal Ram Rajwade, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**12.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 09.09.2020 in connection with Crime No.115 of 2020 registered at Chowki Wadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj (C.G.) for commission of offence punishable under Sections 420, 467, 468, 471, 417, 120-B, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that one Ram Raj Singh has lodged a complaint making allegation that Harvansh Singh Kurram has produced forged Patta, on the basis of which, crime was registered and during the course of investigation, present applicant along with Baijnath Pandey, Kameshar and Shiv Kumari Kurram and others have been made accused in this case.

3. Shri Ram Vifal Ram Rajwade, learned counsel for the applicant submits that present applicant has not committed any offence as alleged against him. He submits that as per allegation when he came to know one of the Government employee, by name, Baijnath Pandey is issuing Patta under the forest right, he met with him and got one Patta thereafter, he further got Patta from Baijnath Pandey in the name of other persons of the village. He further submits that there is no active role of present applicant in preparing forged Patta, but he acted as mediator of villagers for getting Patta. It is contended that after investigation, charge-sheet has been filed and applicant is in jail since 09.09.2020. He lastly submits that applicant is old aged person of 65 years. He fairly submits that bail application of two other co-accused persons have been dismissed as withdrawn, but case of present applicant stands on different footing than that of Baijnath Pandey and others from whom the computer, printer and other articles were seized, hence, applicant be enlarged on bail.
4. On the other hand, Shri B.P. Banjare, Dy. Govt. Advocate for the State opposes the prayer for grant of bail and submits that in the memorandum statement of applicant, he admitted that after obtaining Patta from Baijnath Pandey, he got prepared Patta under forest right in the name of other persons, hence, he also acted in connivance with the other co-accused person.
5. On putting specific query whether there is specific allegation against the present applicant in the complaint, he submits that

applicant was not named in the complaint, but as per his memorandum statement, he has been made accused.

6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the present applicant, role of the applicant for getting Patta under forest rights from co-accused Baijnath Pandey by making him payment for other villagers, charge-sheet has been filed, applicant is aged about 65 years and in jail since 09.09.2020 and further offences are triable by the Magistrate, I am inclined to enlarge the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge