

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 1499 of 2021**

- Chhabil Yadav S/o Shri Noto Yadav, aged about 30 years, by Caste- Mahkul R/o village Khajridhap, Thana Bagbahar, Dist. Jashpur, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: the SHO of police station Kotba, Bagbahar, District Jashpur, Chhattisgarh

-----Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent- State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****07/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 140/2020 registered at Police Station Police outpost Kotba, Bagbahar, District Jashpur (C.G.) for the offence punishable under Section 420, 467, 468, 471 of IPC.
2. Case of the prosecution is, that on 24.12.2020, one agriculturist by name Manu Sidar has taken a token slip for sale of 200 bags measuring 80 quintals of paddy from *Adim Jati Sewa Sahkari Samiti Maryadit*, Kotba and sold 196 bags measuring 78.40 quintile of paddy. Mr. Sukhal Say, President of Society, on suspicion had enquired about the agriculturist Manu Sidar on the address mentioned in the papers. On enquiry, it has been found that no person of this name resides on the given address and the document of *patta*/kisan book has been found to be forged by Chhabil Yadav (applicant), who had done the transaction of sale of paddy. President of Society made written complaint to the concerned police station, based

upon which, instant crime was registered against present applicant.

3. Mr. Sunil Sahu, learned counsel for the applicant submits, that applicant has sold the paddy in the Society measuring 78.40 quintals. His paddy was seized during the course of investigation by the police and he has not been paid single penny by the Society towards the paddy. He further submits that the applicant is in jail since 27.12.2020 and by placing his reliance in the judgment passed by Hon'ble Supreme Court in ***Sanjay Chandra v. Central Bureau of Investigation*** reported in **(2012) 1 SCC 40**, submits that the offence alleged against the present applicant is triable by the Magistrate and the trial may take some time, hence, the applicant may be enlarged on bail.
4. On the other hand, Mr. B.P. Banjare, learned Deputy Government Advocate, opposes the submissions made by the learned counsel for the applicant and submits that the offence alleged against the present applicant is serious in nature.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, the fact that the offence is triable by the Judicial Magistrate, trial may take some time and the period of pre-trial detention of the applicant, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court below on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan