

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2436 of 2021

Deepak Kumar Vishwas, S/o. Late Nagendranath Vishwas, Aged About 70 Years, Address- 226/D, Street No. 6 Smriti Nagar, Police Station Smriti Nagar, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Supela, Outpost Smriti Nagar, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manish Upadhyay, Advocate

For Respondent : Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

04.08.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.596/2020 registered at Police Station- Supela, Outpost Smriti Nagar, Bhilai, Distt. Durg, for the offence punishable under Section 420, 468, 471 of Indian Penal Code.
2. As per the prosecution case, a report was made by Pragati Nimbalkar, W/o. R.H.Nimbalkar that the Plot No.B-226 which was in name of R.H.Nimbalkar has been sold on the basis of the forged power of attorney and the expert opinion suggests that the signatures were forged by tracing.
3. Learned counsel for the applicant would submit that the incident is in between 1996 to 2002 and report was made in 2020 and the agreement and other document exists which would show that R.H.Nilambar has received an amount of Rs.48,000/-. He submits that the charge sheet in this case has been filed, no further

investigation is necessary and the applicant is aged about 70 years and he is suffering from various disease, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the complainant and the expert opinion. Having considered the fact that the genesis of the incident appears to be way back 1996 and thereafter some dispute also took place in between the complainant and applicant and considering the fact that charge sheet has been filed, all the evidence appears to be documentary in nature and no further seizure is required and further taking into the age of the applicant and also the fact that he is suffering with various ailments, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge