

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5096 of 2021

1. Sukh Singh S/o Firtu Ram, Aged About 45 Years, Caste Dhanuhar, Resident Of Village Mahuda, Police Station Champa, District Janjgir-Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Champa, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Santosh Bharat, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Third Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 1529/2019 was rejected on merits on 12/03/2019 and the Second Bail Application i.e. MCRC No. 4779/2019 was also rejected on merits on 08/08/2019.
- 3) The applicant is arrested on 27/07/2018 in connection with Crime No. 179/2018 registered at Police Station Champa, District Janjgir-Champa (C.G.) for the offence under Section 419, 420, 467, 468, 471, 34 of IPC.
- 4) Case of the prosecution, in brief, is that the true owner of the disputed land was complainant Shekhar Chand Dewangan. It is alleged that co-accused Shivnath @ Kaliya executed the sale of disputed land in favour of Vijay Kumar Thakur and Bhagwati Bhai Patel impersonating himself as Shekhar Chand Dewangan. It is also alleged that applicant and other co-accused assisted co-accused Shivnath @ Kaliya. Applicant identified co-accused Shivnath @ Kaliya as Shekhar Chand

Dewangan.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Mahabeer Bareth and Mahadev Dareth (In MCRC No. 9082/2018) and Santosh (In MCRC No. 9818/2018) have already been granted regular bail by Co-ordinate Bench of this Court vide order dated 28/01/2019. He further submits that the applicant has been arrested on 27/07/2018. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.
- 6) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has as no criminal antecedents.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the present applicant, in particular the pre-trial detention of the applicant who is 45 years old, there are number of witnesses to be examined and till date only one witness has been examined, the applicant in jail for the last more than 3 years, the offence is triable by Magistrate, the applicant has no criminal antecedents and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused have already been released on bail by the Co-ordinate Bench of this Court, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair

and expeditious trial,

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant