

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6951 of 2021

Shivnath Singh @ Kaliya @ Sekhar, S/o Late Ramkripal Raj, Aged About 26 Years R/o Village - Mahuda, P.S. Champa, District Janjgir - Champa (Chhattisgarh).

----Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station - Champa, District - Janjgir – Champa, (Chhattisgarh).

--- Respondent

For Applicant	:	Mr. Santosh Bharat, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14/12/2021

1. First bail application of applicant was dismissed for want of prosecution on 14.03.2019 and second was dismissed on merits on 19.12.2019.
2. This is third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.179/2018, registered at PS- Champa, District - Janjgir – Champa, (CG), for commission of offence punishable under Sections 419, 420, 467, 468, 471, 34 of IPC.
3. Case of prosecution is that, one Rupesh Dewangan lodged a report mentioning therein that land owned by Shekhar Dewangan was sold by Shivnath Sigh (present applicant) in favour of Vijay Kumar Thakur and Bhagwati Bai Patel impersonating himself to be Shekhar Dewangan. Based on report, aforementioned crime was registered against applicant and he was arrested on 24.07.2018.
4. Learned counsel for applicant submits that third bail application of applicant is filed only on the ground of delay in trial. Applicant is in jail since 24.07.2018, he has already completed more than three years of pre-trial detention. Till date only 5 witnesses have been examined, offence is triable by Magistrate, trial may take some more time for its conclusion, hence, applicant be enlarged on regular bail.

5. Learned State Counsel opposes the submission of learned counsel for the applicant and submits that applicant is main accused in instant crime as he himself impersonated to be Shekhar Dewangan and executed the sale deed, hence, he is not entitled for grant of regular bail. There are as many as 13 enlisted witnesses in this case.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, period of pre-trial detention of applicant since 24.07.2018, submissions of learned counsel for applicant that still there are as many as 8 witnesses remaining to be examined, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-