

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7852 of 2021**

Balak Ram, S/o Peeluram, aged about 62 years, R/o village Jilga, Police Station Shyang, Tahsil and District – Korba (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Shyang, District – Korba (C.G.)

----Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.
For Non-applicant : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021**

(1) The applicant/accused has preferred this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 17/2020 registered at police Station Shyang, District Korba (C.G.) for commission of offence punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

(2) The applicant's first bail application was dismissed on merits by the Coordinate Bench vide order dated 4.3.2021 passed in M.Cr.C. No. 8513 of 2020.

(3) Case of the prosecution, in brief, is that applicant was a lessee of Government land, however, he sold it without obtaining permission from the concerned Collector and thereafter, the Login IC of Halka Patwari was fraudulently used for On-Line correction of the record in the भुइयां (छत्तीसगढ़ राज्य का भू-अभिलेख कंप्यूटरीकरण परियोजना है) software of the Revenue Department of the Government and thereby committed the aforesaid offences.

(4) Learned counsel appearing for the applicant would submit that applicant is innocent and he has been falsely implicated in the crime in question as he has not committed the alleged crime. He would also submit that the applicant has been arrested on 29.9.2020; and the charge-sheet has already been filed. He would next submit that applicant's first bail application was dismissed on merits by the Coordinate Bench vide order dated 4.3.2021 passed in M.Cr.C. No. 8513 of 2020, thereafter, now 12 prosecution witnesses have been examined and many witnesses will have remained for their examination. He would next submit that similarly situated co-accused namely Shyam Singh Rajput has been released on bail by the Coordinate Bench vide order dated 27.08.2021 passed in M.Cr.C. No. 5770 of 2021 and the case of the present applicant is not different from co-accused Shyam Singh Rajput, hence, the applicant is also entitled for bail on the ground of principle of parity.

(5) Per contra, counsel for the State would oppose the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(7) Considering the facts & circumstances of the case, particularly the fact that similarly situated co-accused namely Shyam Singh Rajput has already been released on bail by the Coordinate Bench vide order dated 27.08.2021 passed in M.Cr.C. No. 5770 of 2021; also taking into consideration the detention period of the applicant and totality of the facts of the case, I am of the view that it is a fit case to release the applicant on bail. Accordingly, the *second* bail application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

