

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9436 of 2020

- Laxman @ Lachhan Thakur S/o Late Gajadhar Thakur, Aged about 57 years, Caste Dhakada, R/o Village Dubey Umargaon Navagudapara, Thana Bhanpuri, Tahsil Bastar, District Bastar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through P.S. - Bhanpuri, District Bastar (C.G.)

---- State/Non-applicant

For Applicant : Shri Vikas A Shrivastava, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

07.04.2021

1. This application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.11.2020 in connection with Crime No. 01/18 registered in Police Station- Bhanpuri, District Bastar (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120 (B) read with Section 34 of IPC.
3. Case of the prosecution is that the present applicant and his wife Satbati (complainant) had some land jointly. The allegation against the applicant is that he sold the said land to third person namely Rakhi Jain by impersonating another lady as his wife in conspiracy with other co-accused namely Khattu Singh Thakur & Son Singh Baghel who were the witnesses of sale deed dated 05.10.2010. F.I.R. has been lodged by complainant Satbati after a delay of 8 years i.e. on 01.01.2018.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He further submits that co-accused namely Khattu Singh Thakur has been granted anticipatory bail by the coordinate bench of this Court vide order dated 22.11.2018 passed in M.Cr.C.(A) No. 1439 of

2018. He also submits that the applicant is languishing in jail since 30.11.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Having heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the fact that the offence was committed on 05.10.2010, the applicant allegedly executed sale deed in favour of Rakhi Jain with the help of co-accused persons namely Khattu Singh Thakur and Son Singh Baghel, that co-accused Khattu Singh Thakur, who had obtained the *rin-pustika* from the complainant for the purpose of furnishing bail and has not returned, has already been granted anticipatory bail by the coordinate bench of this Court, F.I.R. lodged by the complainant after a delay of 8 years, the detention period of the applicant who is 57 years old, charge-sheet has already been filed, offence is triable by Magistrate and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicant tampering with the evidence or absconding and also he has no criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the application is allowed.
8. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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, and
 - 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge

vatti