

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9256 of 2021**

- Mainu Lohar S/o Dirpal Aged About 60 Years, R/o Village Namadgiri, Police Station Surajpur, Tahsil And District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police of Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Adv. on behalf of Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Ishwar Jaiswal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/12/2021**

Heard.

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 251/2021 registered at Police Station-Surajpur, District-Surajpur (C.G.) for the offence punishable under Section 420 of IPC.
2. Prosecution case in brief is that, on 30.05.2021, complainant Nirasho Bai lodged a report alleging therein that on 15.06.2013 a resolution was passed by Gram Sabha, whereby she declared dead. The order of correction in land record was passed and the paper published on 05.06.2013 in this regard and subsequently the land recorded in the name of the

applicant. Further it is also alleged that the applicant sold the said land to Parmeshwar Prasad Rajwade in the year 2013 itself and the said Parmeshwar Prasad Rajwade sold the said land to Deepak Kumar Agrawal. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that even in the entire prosecution case is taken as it is, there is no role attributed by the applicant for the commission of the alleged offence and a resolution was passed by Gram Sabha and the same was duly published in the newspaper, despite of that no objection was filed by anyone. He also submits that charge-sheet has been filed and the applicant is in jail since 16.09.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant that he is in jail since 16.09.2021 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local 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.

Sd/-
(Rajani Dubey)
Judge