
(2019) 05 CHH CK 0027

Chhattisgarh High Court

Case No: Misc. Criminal Case No. 3394 Of 2019

Kundan Lal Sharma

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 24, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 420, 467, 468, 471

Hon'ble Judges: Rajani Dubey, J

Bench: Single Bench

Advocate: T.K. Tiwari, Alok Nigam

Final Decision: Disposed Of

Judgement

Rajani Dubey, J

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail

during trial in connection with Crime No.4/2019, registered at Police Station Dhamdha, District Durg, for the offence punishable under Sections 420,

467, 468 and 471 read with Section 34 of the iPC.

2. Case of the prosecution, in brief, is that the applicant had participated in preparation of patta in the names of persons who are not residents of

Village Sirna Bhatha and thereby committed the offence.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated, in fact, the process

of distribution of lease relating to Abadi Area at Village Sirna Bhatha was processed by the concerned Patwari prior to joining of the applicant on the

post of Revenue Inspector at Dhamdha. The applicant is in jail since 4-5-2019.

4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and considering the letter dated 16-5-2019 of the Tahsildar, Dhamdha, District Durg, I am of the view that it is a fit case to enlarge the applicant on regular bail.

Accordingly, the application is allowed.

7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

8. Consequently, the application for urgent hearing and the application for hearing the case during summer vacation stand disposed of.