

MCRC-12671-2016

(DINESH Vs THE STATE OF MADHYA PRADESH)

29-12-2016

Shri Ritesh Inani, learned counsel for the applicant.

Shri Pushyamitra Bhargava, learned counsel for the respondent/State.

Case diary is available. Arguments heard.

This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of bail.

The present applicant was arrested by the Police Station Bagli, District Dewas in Crime No. 59/2008 under Sections 420, 467, 468, 471/34 of IPC.

According to the prosecution story, present applicant is attesting witness of the land in respect of which the sale deed executed by the present applicant was found forged. It is further alleged that Judicial Commission was set up by the Government to enquire various allegations regarding preparation of forged sale deeds in respect of land given to oustees due to construction of Sardar Sarovar Dam on the Narmada River. In the present case, main accused is the person, who got prepared the forged sale-deed.

Learned counsel for the applicant submits that applicant was attesting witness. The judicial Commission set up by the Government found that many forged registered sale deeds were executed and being attesting witness the present applicant took active part in execution of such forged sale deeds. He further submits that during hearing by the Judicial Commission, all the facts and other documents were collected. Now only a formal investigation is to be done for which the presence of the present applicant is not required. However, he undertakes that the present applicant if granted bail would co-operate during the investigation. Learned counsel for the respondent/State opposes the prayer.

After going through the case diary and taking into consideration the allegation against applicant, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is

allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.50,000/-(Rs.Fifty Thousand only)** and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(ALOK VERMA)
JUDGE