

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 3519 of 2017**

Mohd. Aabid, S/o Sheikh Ramzan, aged about 35 years, resident of Purani Bhilai-3, P.S. Bhilai Bhatti, Tahsil and Civil and Revenue District Durg (C.G.) (in jail)  
**---- Applicant**

**Versus**

State of Chhattisgarh, through : Station House Officer, Police Station, Purani Bhilai, District – Durg (C.G.)  
**--- Non-applicant**

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For Applicant : Mr. T.K. Jha, Advocate.

For Non-applicant : Mr. P.K. Bhaduri, Govt. Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**ORDER ON BOARD**

**30/06/2017**

Heard.

(1) The accused/applicant has moved this third bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 147/2014 registered at Police Station Purani Bhilai, District Durg (C.G.) for the offence punishable under Sections 418, 420, 467, 468, 471, 120(B) read with Section 34 of the Indian Penal Code.

(2) The applicant/s first bail application was dismissed as withdrawn with liberty to repeat the same after examination of

material prosecution witnesses by this Court vide order dated 16.03.2016 passed in M.Cr.C. No.1398/2016.

(3) The applicant's second bail application was dismissed on merits with liberty to repeat the same after examination of material prosecution witnesses by order of this Court dated 02.01.2017 passed in M.Cr.C. No. 8535 of 2016.

(4) Case of the prosecution, in brief, is that applicant with the help of other accused persons obtained a forged death certificate of Salimunisha and on the basis of which the applicant got his name recorded in the revenue records in place of salimunisha whereas Salimunisha is alive and sold the property of salimunisha to his father-in-law – Manjur Ali and thereby committed the aforesaid offences.

(5) Shri T.K. Jha, learned counsel appearing for the applicant would submit that the material prosecution witnesses have been examined and they have not supported the case of the prosecution. He submits that similarly situated co-accused persons namely Rahim Ali @ Baba & Sheikh Shaheed @Waheed have already been granted bail by the competent court and as the trial is likely to take some time in its final disposal and the applicant is languishing in jail since 21.07.2015, the applicant is entitled to be released on bail.

(6) On the other hand, counsel for the State opposes the bail application.

(7) I have heard counsel for the parties and perused the case dairy with utmost circumspection.

(8) Taking into consideration the facts and circumstances for the case; looking to the nature and gravity of the offence; and considering the facts that similarly situated co-accused persons have already been granted bail by the competent court; and the applicant is in jail since 21.07.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(9) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.50,000/- 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.

Certified copy as per rules.

Sd/-

**(Sanjay K. Agrawal)**  
**Judge**

**D/-**