

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3894 of 2020

Lalaram Yadav S/o Late Ramlal Yadav Aged About 43 Years R/o Village Ranisagar,
Police Station Arang, District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Lines, Raipur, District Raipur,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Shubhank Tiwari, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.116 of 2020 registered at Police Station- Civil Lines, District Raipur (CG) for the alleged commission of offence under Section 420, 193 of IPC.
2. Case of the prosecution is that the applicant stood as surety in the matter of furnishing bail by an accused, who was granted bail by this Court. The allegation against the applicant is that when enquiry was made, the Rin Pustika in respect of the property, with reference to which, security was furnished, was found to be forged document and the said property was not recorded in the name of present applicant.
3. Learned counsel for the applicant submits that he has been falsely implicated. He stood surety on the strength of property which is claimed to be in his own property. Merely because of certain discrepancy in rin pustika, it cannot be said that the applicant has committed offence by cheating, by submitting forged rin pustika. He would further submit that the investigation is complete, charge-sheet has been filed and the applicant is in jail since 03.03.2020 as the trial is not likely to resume early, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the prayer and submits that the act of cheating by the applicant in the Court proceeding where he stood as surety on the basis of forged and fabricated revenue records of the land which was

not recorded in his name as Bhumiswami, therefore, the application may be rejected.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation and that the investigation is complete, charge-sheet has been filed and the applicant is in jail since 03.03.2020 and trial is not likely to resume early and it is stated that there are no criminal antecedents of commission of similar offence, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (iii) If the applicant is found committing similar offence in future, it shall be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge