

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.3791/2019

(Chandar Singh s/o Kalu Singh

Versus

The State of Madhya Pradesh)

Indore, Dated 11.02.2019

Mr. Gaurav Kumar Shrivastava, learned counsel for the applicant.

Mr. Gaurav Kumar Verma, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This third application under Section 439 of Criminal Procedure Code, 1973 has been filed by applicant Chandar Singh s/o Kalu Singh, who is implicated in connection with Crime No.491/2016 registered at Police Station Agar, District Agar Malwa (MP) for offence punishable under Sections 419, 420, 467, 368, 470 and 471 of the Indian Penal Code, 1860.

The applicant is in custody since 08.01.2017.

In brief, prosecution story is that first information report is lodged by complainant Ramchandra against the present applicant that he, along with other co-accused persons, has fraudulently sold 27 acres of his agricultural land by executing three sale deeds in favour of Pushpa Bai, Bindu and Ritu. Hence, the present applicant has been arrested and accordingly case was registered against him.

Learned counsel for the applicant has submitted that the applicant is an old man aged about 62 years and is not having any criminal antecedents. The applicant is mentally unfit person and taking advantage of this fact, co-

accused persons have soled the land of complainant Ramchandra by forcefully impersonating the present applicant as Ramchandra (owner of the agricultural land) and also caused preparation of forged documents of present applicant in the name of Ram Chandra. As per report of the Sub Divisional Officer, Susner – Nalkheda, District Agar Malwa (MP), the present applicant was paid Rs.5,000/- for the aforesaid act. The applicant is in custody since 08.01.2017. The investigation is over; and charge sheet has been filed. There is no possibility of early conclusion of the trial and the applicant cannot be detained in custody, without any sufficient cause for an unlimited period. Under these circumstance, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh submits that no sufficient ground is made out for releasing the applicant on bail; hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two solvent sureties of **Rs.50,000/- (Rupees Fifty Thousand only) each** to the satisfaction of trial Court, for his regular appearance before the trial Court during trial with a condition that he

shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(S.K. Awasthi)
Judge

Pithawe RC

