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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr. C. No. 2725 OF 2015**

Thandaram Khadiya S/o Dukharam Khadiya, aged about 43 years, Occupation Patwari, R/o Village Lamidarha, P.S. Chakradharnagar, Raigarh Tahsil & Civil & Revenue Distt. Raigarh (C.G.).

---Applicant

**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Chakradharnagar, Distt. Raigarh (C.G.)

---Non-applicant

**And****M.Cr.C. No. 2729 OF 2015**

Nitin Sinha son Shri Kamlesh Prasad Sinha, aged about 39 years, R/o Chhote Atarmuda, near TV. Tower, Raigarh, Tahsil & Distt.-Raigarh, Civil and Revenue Distt. Raigarh (C.G.)

---Applicant

**Versus**

State of Chhattisgarh through Police Station-Chakardhar Nagar, Distt. Raigarh (C.G.)

---Non-applicant

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|--------------------|-------------------------------------------------------------------------|
| For Applicant      | : Mr. Awadh Tripathi, Advocate in M.Cr.C. No. 2725/2015.                |
| For-Applicant      | : Manoj Kumar Sinha in M.Cr.C. No. 2729/2015.                           |
| For Non-applicant: | Mr. Siddarth Rathore, Dy. Govt. Advocate.                               |
| For Objector       | : Mr. Vinay Harit, Senior Advocate with Mr. Suryakant Mishra, Advocate. |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****29/06/2015**

1. Above mentioned two bail applications arise out of a common

Crime No. 361/2012, registered at Police Station Chakradharnagar, Distt. Raigarh (C.G.), for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B/34 of I.P.C. therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

**2.** Case of the prosecution, in brief, is that applicant-Thandaram Khadiya while working as Patwari of Patwari Halka No. 37, Raigarh mutated the name of Shyamlal in place of Ramlal original holder of the land and one Badkalal impersonating sold the land on 26/02/2010 to applicant-Nitin Sinha and Laxman Chandra and thereby committed offence.

**3.** Mr. Awadh Tripathi, learned counsel appearing for the applicant in M.Cr.C. No. 2725/2015 would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that name of the Shyamlal is already recorded since 01/09/1984 and he is posted said Patwari Halka number in the year 2008-2009. He would lastly submit that charge sheet has been filed and applicant is in jail since 05/05/2015 therefore, he may be released on bail.

**4.** Mr. Manoj Kumar Sinha, learned counsel appearing for the applicant in M.Cr.C. No. 2729/2015 would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that applicant is bonafide purchaser and he was unaware of the earlier incidence. He would lastly submit that charge sheet has been filed and applicant is in jail since 02/05/2015 therefore, he may be released on bail.

**5.** Appearing for the State/non-applicant Mr. Siddarth Rathore, Dy. Govt. Advocate and appearing for the objector Mr. Vinay Harit, Sr. Advocate

with Mr. Suryakant Mishra, counsel would oppose the prayer for grant of regular bail and submit that it is clear case of forgery as the property of objector -Shyam Singh Soni, his land has been transferred in the forgery manner as such, present applicants are not entitled to be released on regular bail.

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

7. Taking into consideration the facts and circumstances of the case and further taking into consideration the submission made by learned counsel for the parties, role played by the applicants, investigation is completed; no custodial interrogation is required and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications (M.Cr.C. Nos. 2725/2015 and 2729/2015) filed under Section 439 of the Code of Criminal Procedure are allowed.

9. It is directed that applicants namely, Thandaram Khadiya and Nitin Sinha shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

10. Certified copy as per rules.

**Sd/-**  
**(Sanjay K. Agrawal)**  
**JUDGE**

