

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4371 OF 2015**

1. Nityanand S/o Ramchandra Gupta aged about 48 years,
 2. Dulamani S/o Ramchandra Gupta, aged about 65 years,
- Both are resident of Village Ektal, Tahsil & Police Station Pusour, Civil & Revenue District Raigarh (C.G.)

---Applicants**Versus**

1. State of Chhattisgarh, Through District Magistrate Raigarh (C.G.)
 2. Munuram Patel S/o Shambhu Ram Patel, President Shri Jagannath Mandir Seva Samiti
 3. Shrawan Kumar Hota S/o Kalachand Hota, Secretary Shri Jagannath Mandir Seva Samiti
- Both are resident of Village Ektal, Tahsil & Police Station Pusour, District Raigarh (C.G.)

---Non-applicants

For Applicants	:	Mr. Vivek Kumar Pandey, Advocate
For Non-applicant No.1/State	:	Mr. O.P. Sahu, Govt. Advocate
For Complainants	:	Mr. Ashish Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Criminal Complaint Case No. 813/2011, pending before the Court of Judicial Magistrate First Class, Raigarh, for the offence punishable under Sections 420, 463, 464, 467, 468 and 471 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, co-accused Dayalu Mirdha prepared forged sale deed showing the assets attached to the temple as

gifted to Dayalu Mirdha to grab the entire property belonging to the deity, which is being managed by the Managing Committee, of which, the complainants are office bearers and the present applicants stood as witnesses in the said forged will deed and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that Dayalu Mirdha who is main culprit has already granted regular bail on 02/02/2012 in M.Cr.C.No. 3726/2011. He would further submit that applicants are in jail since 07/08/2015 and the charge sheet has been filed, therefore, they may be released on bail.

4. On the other hand, learned State counsel and learned counsel for the complainants would oppose the prayer for grant of bail.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; and the co-accused namely Dayalu Mirdha and Chandan Singh have already granted regular bail vide order dated 02/02/2012 in M.Cr.C.No. 3726/2011; charge sheet has already been filed and the applicants are only attesting witnesses of the said forged deed, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Nityanand and Dulamani, 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 trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

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

Tiwari