

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4924 of 2015**

1. Romnath S/o Dasru, aged about 49 years, Caste-Satnami, R/o Village – Piprahi, Police Station & Tahsil-Suhela, Tahsil & District (Revenue & Civil)-Balodabazar-Bhatapara (CG)
2. Devkumar S/o Sahasram, aged about 27 years, Caste-Satnami, R/o Village-Gorhi, Police Station & Tahsil-Bhatapara, Tahsil & District (Revenue & Civil)-Balodabazar-Bhatapara (CG)

---Applicants**Versus**

State of Chhattisgarh Through : Police Station – City Kotwali, Balodabazar, Tahsil & District (Revenue & Civil)-Balodabazar-Bhatapara (CG)

---Non-applicant**And****M.Cr.C.No.5032 of 2015**

Garud S/o Ramlal, aged about 26 years, Caste-Satnami, R/o Village – Chhuiha, Police Station & Tahsil-Bhatapara, Tahsil & District (Revenue & Civil)-Balodabazar-Bhatapara (CG)

---Applicant**Versus**

State of Chhattisgarh Through : Police Station – City Kotwali, Balodabazar, Tahsil & District (Revenue & Civil)-Balodabazar-Bhatapara (CG)

---Non-applicant

For Applicants	:	Mr. Sumit Jhanwar, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/09/2015**

1. Since the aforesaid two bail applications are arising out of the same crime number, they are being disposed of by this common order.

2. These are the first bail applications 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 Crime No.137/2013, registered at Police Station-City Kotwali, Balodabazar, District Balodabazar-Bhatapara (C.G.), for the offence punishable under Sections 420, 467, 468 and 474/34 of the IPC.

3. Case of the prosecution, in brief, is that Romnath (applicant No.1 in M.Cr.C.No.4924 of 2015) prepared forged power of attorney of one Setbai and sold joint family property on 28.7.2012 to Ultratech Cement Limited in which other applicants Devkumar and Garud stood as attesting witnesses.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely been implicated in crime in question. He would further submit that there is some dispute with regard to payment of money after selling of the joint property. In fact, Setbai has given power of attorney in favour of applicant Romnath, which she is now disowning on account of dispute with regard to payment of money and F.I.R. has been lodged after more than three years. He would also submit that the applicants are in jail since 6.8.2015 and charge-sheet is yet to be filed and therefore, they may be enlarged on bail.

5. On the other hand, learned counsel for the State would oppose the bail applications and submit that written report has been made on 19.11.2012 and applicants Devkumar and Garud knowing fully well that Setbai has not given power of attorney have witnessed to this forged document.

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; further taking into consideration the nature and gravity of offence; relationship

between the complainant and applicant Romnath, who are sister and brother; property sold is joint family property; nature of dispute; pre-trial detention of the applicants and the fact that anticipatory bail was granted to co-accused Balkumari in M.Cr.C.(A) No.624 of 2015 vide order dated 29.7.2015, 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 application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicants **Romnath, Devkumar** and **Garud** 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

B/-