

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5455 of 2015

1. Vrindavati, W/o Ful Singh Rathia, aged about 30 years, R/o Village Ghochal, P.S. Kapu, Tahsil Dharamjaigarh, District Raigarh (C.G.)
 2. Ram Kunwar, W/o late Lal Sai Rathia, aged about 65 years, R/o Village Bakalo, P.S. Kapu, Tahsil Dharamjaigarh, District Raigarh (C.G.)
- Applicants

Versus

State of Chhattisgarh, Through the District Magistrate, Raigarh (C.G.)

---- Non-applicant

For Applicants:	Mr. Shivendra Bhardwaj, Advocate.
For Non-applicant:	Mr. Ramakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/10/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.82/2015, registered at Police Station Dharamjaigarh, Distt. Raigarh, for the offence punishable under Sections 420, 467 and 468 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that applicant No.2 Ram Kunwar, Bir Singh, applicant No.1 Smt. Vrindavati and Phool Singh Rathia, all related to each other, sold land to Surajbhan Rakhi. It is alleged that the land was jointly held by three of the aforesaid accused except Phool Singh Rathia. Anand, one of the joint holders, was not actually present at the time of execution of sale deed and Phool Singh Rathia impersonated him. The present applicants are also sellers of the land. By impersonating Anand, one of the joint holders, land has been sold to Surajbhan Rakhi and thereby fraud has been committed.

3. Learned counsel for the applicants submits that the applicants have also share in the said land. Anand Ram is still missing and the applicants have been falsely implicated at the instance of Anand Ram's daughter. Applicant No.2 is mother of Anand Ram and applicant No.1 is sister of Anand Ram. He further submits that the applicants have not committed any offence and they have been falsely implicated in the case. The applicants being women are in jail since 1-5-2015 and charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, relationship between the parties, role of the present applicants, two co-accused have been released on regular bail by this Court on 5-8-2015 in M.Cr.C.No.3145/2015, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge