

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5639 of 2015

1. Ashok, S/o Late Sampat Barle, (wrongly mentioned in impugned order as "Ishwar Barle"), aged about 30 years,
2. Sanju @ Sanjay, S/o Late Sampat Barle, (wrongly mentioned in impugned order as "Ishwar Barle"), aged about 20 years,
3. Sukhbai, W/o Late Sampat Barle, (wrongly mentioned in impugned order as "Ishwar Barle"), aged about 55 years,

All R/o Baderagra, Indori, Police Station Piparia, Distt. Kabirdham (CG)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Piparia, Distt. Kabirdham (CG)

---- Non-applicant

For Applicants:	Mrs. Fouzia Mirza, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/10/2015

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.11/2015, registered at Police Station Piparia, Distt. Kabirdham, for the offence punishable under Sections 420, 467, 468, 471 and 406 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that co-accused Manoj Prasad Barle @ Gangdev along with the present applicants got the property of complainant Ishwar recorded in his name proclaiming that Ishwar is dead and thereby committed the aforesaid offences.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the

offence in question. She further submits that the applicants and the complainant are relatives. She also submits that there is property dispute between the parties which has not been settled as such, there is no cheating and the applicants have no role in the offence in question. She lastly submits that charge-sheet has already been filed and the applicants are in jail since 19-6-2015 and, therefore, they may be released on regular bail. She again submits that similarly situated co-accused Manoj Prasad Barle @ Gangdev has been enlarged on regular bail by this Court vide order dated 13-10-2015 passed in M.Cr.C.No.5503/2015.

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, role of the present applicants, their pretrial detention and the fact that similarly situated co-accused Manoj Prasad Barle @ Gangdev has already been enlarged on regular bail, I am of the view that it is a fit case to grant regular bail to the applicants also. 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