

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.2719 of 2016**

1. Nathela Kurre S/o Narayan, aged about 56 years,
  2. Annu Kurre S/o Nathela, aged about 23 years
  3. Durga Prasad S/o Narayan Kurre, aged about 42 years.
- All R/o village Ganaud, Police Station Rakhi, District Raipur (CG)

**APPLICANTS**

**Versus**

State of Chhattisgarh through Police Station Arang, District Raipur (CG).

**RESPONDENT**

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| For Applicants       | : Shri Kishore Narayan, Advocate.    |
| For Respondent/State | : Shri Vivek Sharma, Govt. Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**09.06.2016**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.58/2015 registered at Police Station Arang, Distt. Raipur, for the offence punishable under Sections 420,467,468,471/34 of IPC.
2. Case of the prosecution, in brief, is that the land which originally stood in the name of Applicant No.1 and 3 and one Ramsanehi, was sold to one Mohd. Mohibuddin by the present applicants whereby the applicant No.2 was projected as Ramsanehi and the documents were procured by the other applicants. This fact was reported to the police station and FIR was lodged by one Dashru.
3. Learned counsel for the applicants submits that the applicants are in detention since 12.06.2015. He further submits that the applicants have no criminal antecedent and have been falsely implicated in the case. It is also submitted

that the said property in any case would have vested with the applicants as third person i.e. Ramsanehi had died issueless and he is brother of applicant No.1 & 3, and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that it is a case whereby the applicant No.2 is said to have impersonated himself to be Ramsanehi for the purpose of selling of the property. He further refers to the statement of wife of Ramsanehi saying that the applicants have not taken her consent while selling the said property.
5. At this stage, counsel for the applicants submits that complainant Dashru has already been examined before the court and has not supported the case of prosecution, copy of which has already been filed along with this bail application.
6. I have heard the counsel appearing for the parties.
7. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the dispute is with regard to the family property, the complainant has turned hostile and not supported the case of the prosecution and also considering the fact that the applicants are in detention since 12.06.2015, 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 the applicants namely Nathelu Kurre, Annu Kurre and Durga Prasad shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-  
(P. Sam Koshy)  
**V. JUDGE**