

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1827 OF 2016

Dharam Singh Mansagar S/o Ramratan Mansagar aged about 48 years R/o village Kapan Tahsil Akaltara Civil and Revenue District Janjgir-Champa C.G.

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Masturi District Bilaspur C.G.

---Non-applicant

And

M.Cr.C. No. 2012 OF 2016

1. Jeevan Singh S/o Daduram Kashyap aged about 42 years

2. Firat @ Tirithram S/o Fenkuram Ghasiya aged about 50 years

Both are R/o village Kapan Tahsil Akaltara Civil and Revenue District Janjgir-Champa C.G.

---Applicant

Versus

State of Chhattisgarh through Station House Officer Police Station Masturi District Bilaspur C.G.

---Non-applicant

For Applicants : Shri Dharmesh Shrivastava,
 Advocate

For Non-applicant : Shri O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/04/2016

1. Above mentioned two bail applications arise out of a common Crime No. 408/2015, registered at Police Station Masturi, Distt. Bilaspur (C.G.), for the offence punishable under Sections 420, 467, 468, 471, 120-B of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that complainant, her sisters- Smt. Shanti Bhardwaj, Smt. Usha Narmada and Smt. Sandhya Kaushik and accused Omprakash Goutam are owners of the land, Area 5.90 acres situated at Village Nirtu. It was further allegation that the co-accused Omprakash Goutam by impersonating some other women as his sisters, Smt. Shanti Bhardwaj, Smt. Usha Narmada and Smt. Sandhya Kaushik got executed power of attorney. On the basis of said power of attorney, co-accused Omprakash Goutam

sold the aforesaid land to Smt. Kaushilya Bai through registered sale deed. Allegations against Jeevan Singh and Firat @ Tirithram are that they stood as witnesses of sale deed as well as power of attorney and allegation against Dharam Singh Mansagar is that he was present at the time of execution of power of attorney.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that applicants-Jeevan Singh and Firat @ Tirithram are not beneficiary and they are bonafide witnesses of the document. He would further submit that applicant- Dharam Singh Mansagar is not the witness and he was present at the time of execution of power of attorney. He would further submit that applicants are in jail since 01/01/2016. He would lastly submit that co-accused Santoshi Sahu has been enlarged on regular bail by this Court vide order dated 18/02/2016 in M.Cr.C. No.655/2016, therefore, they may be released on bail on the ground of parity.

4. Learned counsel for the State 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 and further taking into consideration the nature and gravity of offence, role of the applicants; Jeevan Singh and Firat @ Tirithram, both are witnesses and they are not beneficiary; looking to the role of applicant-Dharam Singh Mansagar and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications (M.Cr.C. Nos. 1827/2016 & 2012/2016) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants namely, Dharam Singh Mansagar, Jeevan Singh and Firat @ Tirithram 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE

Tiwari