

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.2629 of 2016

1. Gore, S/o Seukram, aged about 60 years,
2. Govind, S/o Firat, aged about 50 years,

Both R/o Village Kaapan (Khamhriya), Nirtoo, Police Station Masturi,
District (Revenue & Civil) Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Masturi, District (Revenue
& Civil) Bilaspur (C.G.)

---- Non-Applicant

For Applicants : Mr. Shivendu Pandya, Advocate on behalf of Mr. S.D.
Singh, Advocate.

For Non-Applicant : Mr. Shashank Thakur, Government Advocate.

Hon'ble Shri P. Sam Koshy, J.

Order on Board

07/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the Applicants who are in jail since 2.2.2016 in connection with Crime No.408 of 2015 registered at Police Station Masturi, District Bilaspur for the alleged commission of offence under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

2. Allegation as per the prosecution case is that one Om Prakash Gautam has impersonated his sisters and got a power of attorney executed and on the basis of the power of attorney, he has sold the family property to one Kaushalya Bai. The allegation against the present applicant is that the present applicant stood as a witness to the said sale deed. Subsequently, on a complaint it was found that the entire transaction has been carried out at the behest of Om Prakash Gautam who brought certain ladies before the registering authorities posing

themselves to be his sisters and got the power of attorney executed and on the basis of the said power of attorney, the sale deed was executed.

3. Learned counsel for the applicants submits that the present applicants have wrongly been implicated in the instant case as they are not the persons who have in any manner committed the offence under Sections 420, 467, 468, 471 or under Section 120B of the IPC. The only act attributed against the present applicants is that they have stood as a witness to the sale deed executed by Om Prakash Gautam in favour of Kaushalya Bai and at that point of time i.e. at the time of execution of sale deed, there is no impersonation committed and that the actual persons i.e. Om Prakash Gautam and Kaushalya Bai were before the registering authority and therefore, the offences have been wrongly attributed against the present applicants. Learned counsel for the applicants further submits that in the instant case, the main accused persons i.e. Jeevan Singh and one Firat @ Tirithram, who were the actual witnesses in the power of attorney executed in favour of Om Prakash Gautam by impersonating the sisters of Om Prakash Gautam, have already been released on bail by a coordinate Bench of this Court in M.Cr.C.No.2012/2016 vide order dated 12.04.2016. Similarly, it was also contended that one of the ladies who stood as sister to Om Prakash Gautam, the main accused, namely Jaymati Bai also has been granted bail by the same coordinate Bench of this Court in M.Cr.C.No.2027/2016 vide order dated 20-4-2016. Therefore, the case of the present applicants is on a better footing and as such, they are entitled to be released on bail.

4. On the other hand, learned counsel for the State though opposed the bail application, however, does not dispute the fact that at the time of execution of sale deed, there was no sort of impersonation carried out, but the impersonation in fact was carried at the time of execution of power of attorney in favour of Om Prakash Gautam.

5. Considering the totality of the facts and circumstances of the case,

this Court is of the opinion that present is a fit case for grant of bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- each along with one surety of the like amount to the satisfaction of the concerned trial Court. They shall appear before the Court below on each and every date given to them by the said Court till disposal of the trial.

Certified copy of the order as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge