

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2317 of 2016**

1. Prem Lal, S/o Mangal Singh, aged about 45 years,
2. Dilip Kumar, S/o. Ramnath, aged about 31 years,
3. Nanki Dau, S/o. Hari Ram, aged about 58 years,

All are by Caste : Gond, R/o. Village : Borda, Tahsil &
Police Station : Sakti, District Janjgir-Champa (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through : District Magistrate, Janjgir,
District: Janjgir-Champa (C.G.) and also through Police
Station : Sakti, District Janjgir-Champa (C.G.)

---- Non-applicant

For Applicants: Mr. D. Kushwaha, Advocate.
For Non-applicant/State: Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/2016**

Heard.

(1) The accused/applicants have moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 264/2015 registered at Police Station Sakti, District Janjgir-Champa (C.G.) for the offences punishable under Sections 420, 467, 468, 506/34, 419, 120(B) & 384 of the Indian

Penal Code.

(2) The applicants' first bail application was dismissed as withdrawn by order of this Court dated 03.02.2016 passed in M.Cr.C. No. 428/2016 with liberty to repeat the same after filing of charge sheet.

(2) Case of the prosecution, in brief, is that initially a sale was made by Bhajoram, Shobharam & Dhajaram but in such sale deed on 30.5.2015 Bhajoram was personated by Fagulal and Sobharam was personated by Dilip Singh and sale was made in favour of Manish Agrawal. Subsequently, Manish Agrawal got the sale deed executed by owner Bhajoram on 21.08.2015. The allegations are that on earlier occasion on 30.05.2015 false personification was made at the instance of Dhajaram, as Fagulal appeared as Bhajoram and Dilip Singh appeared as Shobharam.

(3) Learned counsel appearing for the applicants would submit that the applicant has falsely been implicated in the offence in question as they have not committed any offence. He further submits that the main accused Manish Agrawal has been granted anticipatory bail in M.Cr.C. (A) No.1128/2015 on 20.11.2015 whereas other co-accused persons namely Dhajaram & Fagulal have also been released on regular bail by this Court in M.Cr.C. No.2957/2016 on 21.06.2016 and they are in jail since 29.12.2015 and therefore, they may also be granted bail on the ground of parity.

(4) On the other hand, counsel for the State opposes the bail

application.

(5) Taking into consideration the facts & circumstances of the case; further considering the facts that similarly situated co-accused person namely Manish Agrawal has been granted anticipatory bail by this Court whereas two other co-accused persons have also been granted regular bail by this Court; and the fact that applicants are in custody since 29.12.2015; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-