

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6443 of 2017

- Ramadhar Kashyap S/o Late Shri Ratiram Kashyap Aged About 48 Years R/o Yadav Nagar Tifra Police Station Sirgitti Tahsil - Bilaspur Civil & Revenue District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -- Civil Lines Bilaspur Civil & Revenue District Bilaspur Chhattisgarh.

---- Respondent

and

MCRC No. 6513 of 2017

- Rahul Singh S/o Shri Prakash Singh Aged About 30 Years R/o Village Ghuru Ameri, Awas Para, Police Station Chakarbhantha, Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Civil Lines, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sunil Sahu and Mr. Dharmesh Shrivastava, Advocates.
For Respondent	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/12/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 302/2017, registered at Police Station- Civil Lines Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 456 & 471/34 in MCRC No.6443/2017 and under Sections 416, 420, 467, 456, 471 & 120-B in MCRC No.6513/2017 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. In the alleged execution of fraudulent sale-deed, both the applicants had no role to play. Applicant Ramadhar Kashyap in MCRC No.6443/2017 had been simply attesting witness to the sale-deed executed on the asking of the purchaser party. Whereas applicant Rahul Singh had been though shown as attesting witness to the power of attorney, but he has not signed the said power of attorney as witness and the said signature is forged. It is further submitted that charge-sheet has already been filed and both the applicants are in jail since 25.5.2017. They are ready to abide by all the conditions that may be imposed while granting bail to them. Therefore, the applicants be enlarged on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is sufficient evidence on record against the applicants for their prosecution and possible conviction. Hence, looking to the nature of allegations, applicants are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. The case against the applicants is this that complainant-Harish Wahne

moved an application under Section 156(3) of CrPC before the Court of JMFC, Bilaspur and on the basis of orders passed on the said application, the case has been registered against the applicants and others. The case is this that said Harish Wahne and 3 others were co-owners of the land in question. A forged power of attorney was executed in the name of Harish Wahne by impersonating him and on the strength of said forged power of attorney, a sale-deed was executed in favour of P. Bharti and others on 19.7.2014. On coming to know about the said transaction, complainant Harish filed the complaint before the Court.

7. Considering the submissions made, contents of the case diary and the present state of things that the charge-sheet has already been filed after completion of investigation, the applicants are not further required for the purpose of investigation etc. and there is no likelihood of absconsion of the applicants, no useful purpose would be served by keeping the applicants incarcerated further especially in the light of the fact that their attendance before the trial Court can be assured by imposing conditions. Keeping in view of the aforesaid facts, I am of this view that it is a fit where the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha