

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8413 of 2016

1. Kanhaiya Lahare, S/o. Late Tejram Lahare, aged about 42 years, R/o. Village-Rounda, Police Station – Dhamdha, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Nandini Nagar, District – Durg (C.G.)

---- Respondent

M.CR.C. No. 8434 of 2016

1. Haldhar Gupta, S/o. Rajendra Prasad Gupta, aged about 46 years, R/o. Polsaipara, Police Station – Mohan Nagar, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Nandini Nagar, District – Durg (C.G.)

---- Respondent

AND

M.CR.C. No. 8479 of 2016

1. Manthir Ram, S/o. Late Mojiram Mehar, aged about 50 years,
 2. Ashwani, S/o. Late Mojiram Mehar, aged about 46 years,
 3. Anuj, S/o. Late Mojiram Mehar, aged about 43 years,
- All are resident of Village-Kodiya (Nankatthi) Police Station : Nandini Nagar (Nandani wrongly mentioned in the impugned order), District – Durg (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Nandini Nagar, District – Durg (C.G.)

---- Respondent

For Applicants	:	Mr. C.R. Sahu, Advocate & Mr. Jitendra Gupta Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2017

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.234/2016, registered at Police Station – Nandini Nagar, Durg, District – Durg

(C.G.) for the offence punishable under Section 420, 419, 467, 468, 471, 120B of Indian Penal Code.

2. Case of the prosecution, in brief, is that a land was sold by Manthir, Ashwani, Anuj, Khediya, Dashoda, Khomlal, Banshilal and Thagiya in favour of Lalit Nayak and Dev Kumar and sale deed was executed in respect of the land situated at village Kodiya and the amount was received by the said sellers. Subsequently, Lalit Nayak, the purchaser made a report that sale was routed through Manoj Soni, one broker and the amount of Rs.12,25,000/- was paid to Manoj Soni and one Farid Khan. Thereafter, it was revealed that one of the seller Khomlal has died five years back. Though the sale deed was executed by false personification and Kanhaiya Lahare appeared as Khomlal, who is son-in-law of Khomlal. It is further alleged that the accused -Haldhar Gupta had prepared seal of Tahsildar to prepare the forged documents from his printing press. Thereby the offence has been committed.
3. Learned counsel for the applicants – Manthir Ram, Ashwani, Anuj and Kanhaiya would submit that they are co-sharer of the land as such no offence has been committed and the co-sharer can always execute the sale for his undivided share, consequently it was made, therefore, no offence has been committed. It is further submitted that charge-sheet in this case has been filed and no further investigation is required, therefore, the applicants may be enlarged on bail.
4. Learned counsel for the applicant- Haldhar Gupta would submit that the applicant has only prepared the seal after receipt of amount and he was not a party to the sale deed and he is running the printing press and he was not the beneficiary, therefore, the applicant- Haldhar Gupta may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail applications.
6. I have heard learned counsel appearing for the parties.
7. Perused the case diary, documents and also perused the sale deed, wherein Khomlal appears as seller No.6, who was already dead. It is alleged that in his name, Kanhaiya has executed the sale deed, whereas, the others were appeared as a seller in the sale deed. Taking into the totality, considering the facts and circumstances of the case and further considering the report which shows that entire amount was paid to one Manoj Soni and further taking into the role played by the applicant – Haldhar Gupta, this Court is of the opinion that present is a fit case, in which, the applicants – Manthir Ram, Ashwani, Anuj and Haldhar Gupta should be enlarged on regular bail. However, in respect of the applicant – Kanhaiya Lahre since he appeared as Khomlal and executed the sale deed by false personification, I am not inclined to release the applicant – Kanhaiya Lahre on bail.
8. Accordingly, the bail applications bearing M.Cr.C. No.8434/2016 and M.Cr.C. No.8479/2016 are allowed and the bail application bearing M.Cr.C. No.8413/2016 is rejected.
9. It is directed that applicants – Manthir Ram, Ashwani, Anuj and Haldhar Gupta shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge