

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1932 of 2017**

1. Govind Seth, S/o. Bhaktu Seth, Aged About 50 Years, Caste-Dhobi, R/o. Village Boadajhariya, Police Station & Tahsil Pussore, District Raigarh Chhattisgarh
2. Ashok Kumar Seth, S/o. Gorchand Seth, Aged About 35 Years, Caste-Dhobi, R/o. Village Boadajhariya, Police Station & Tahsil Pussore, District -Raigarh, Chhattisgarh
3. Jay Kishore Panda, S/o. Daya Panda, Aged About 45 Years, Caste -Dhobi, R/o. Village -Boadajhariya, Police Station & Tahsil Pussore, District Raigarh Chhattisgarh

---- Applicants**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Pussore, Tahsil Pussore, District Raigarh Chhattisgarh
2. Sunder Lal, S/o. Sukhdev, Aged About 42 Years, R/o. Village-Boadajhariya, Police Station & Tahsil- Pussore, District- Raigarh, Chhattisgarh.

---- Respondents

For Applicants	: Mr. Amit Sharma & Mr. Abhisek Saraf, Advocates
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate
For Objector	: Mr. Tarkeshwar Nande, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

12/12/2017

1. This is the first bail application 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.53/2016, registered at Police Station – Pussore, District – Raigarh (C.G.) for the offence punishable under Section 419, 420, 465, 467, 471, 120-B of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that applicants have been falsely implicated in this case. Applicant No.1 and 2 are the coparceners of the land in question and the applicant No.3 had been a witness of the sale deed. It is submitted that applicants are in jail since 04.03.2017. The case is pending before the trial Court after completion of the investigation, but still the hearing has not commenced. Applicants are ready to abide by all the conditions for grant of bail. Therefore, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is the case of impersonation and cheating. Applicant No.1 and 2 had impersonated the co-owners, whereas one of the co-owner was deceased on that date, the sale deed was executed and applicant No.3 had knowingly witnessed the sale process. Hence, it is prayed that the applicants may not be released on bail.
4. The learned counsel appearing on behalf of the Objector adopts the argument advanced by the learned State counsel.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. The facts of the case are that a sale deed was executed on 16.07.2010 and another sale deed was executed on 16.12.2010 in favour of the power plant. The property in question was joint property owned by six persons out of which one co-owner Sahdev had not appeared and he was impersonated by applicant No.1, whereas, another co-owner Gadani was deceased since 2007, who was impersonated by applicant No.2 and thus making false statement and putting false signature on the sale deed, the documents was forged and the offence of cheating was committed.
7. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that applicants are local residents, their presence before the trial Court can be ensured by imposing conditions, the trial of the case is likely to take sometime for its disposal, hence, for these reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge