

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2487 of 2017**

- Jitendra Banjare @ Jeetu S/o Kishan Lal Banjare, Aged About 34 Years R/o Pahanda Road, Baloda Bazar Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station City Kotwali, Baloda Bazar, Civil And Revenue District Baloda Bazar / Bhatapara Chhattisgarh

---- Respondent

And**MCRC No. 2714 Of 2017**

- Rameshwar Dahariya S/o Hiraram Dahariya, Aged About 68 Years R/o Village Karda Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

And**MCRC No. 3232 Of 2017**

- Harish Sahu S/o Rajnarayan Sahu, Aged About 30 Years R/o Village- Karda, Tahsil - Baloda Bazar, District- Baloda Bazar- Bhatapara CG.

---- Applicant

Vs

- State Of Chhattisgarh Through S. H. O. Police Station City Kotwali, Baloda Bazar , District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For applicants	Mr. Janak Ram Verma, Adv. (MCRC No. 2487/2017)
	Mr. Suresh Kumar Verma, Adv. (MCRC No. 2714/17)
	Mr. Hemant Gupta, Adv. (MCRC No. 3232/2017)
For Respondent/State	Mr. O.P. Sahu, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18-7-2017**

1. As MCRC No. 2487/2017, MCRC No. 2714/2017 and MCRC No. 3232/2017 arise out of the same crime number and incident, they are being disposed of by the common order.

2. The applicants have preferred these applications for grant of bail as they are arrested on 15-3-2017 in connection with Crime No. 207/2016 registered in PS City Kotwali, Distt. Baloda Bazar, Bhatapara (CG) for offence punishable under Section 420, 467, 468, 417, 471, 34 of the IPC
3. Learned counsel for the respective applicants submit that after investigation police has filed charge sheet against all the applicants and co-accused Phoolchand Sonwani, Lankesh @ Gabbar and one absconding accused Mansaram. Co-accused Lankesh alias Gabbar has been granted bail by the CJM Baloda Bazar. Phoolchand Sonwani has not preferred any bail application. Mansaram is already absconding.
4. Learned counsel for the applicants are not aware of the criminal case number of the matter filed before the CJM Baloda Bazar but as submitted charge sheet is filed and the matter is pending. Learned counsel for the applicants submit that Tukaram died on 12-5-2008. Kejabai died on 10-8-1999 and Tularam died on 19-11-2015. The alleged registered sale deed is fabricated and impersonated and also as alleged by prosecution, on 5-5-2015 as per facts, it is Birbal who purchased the property in question. Niranjana and Shivcharan are witnesses but all the three were not made accused in the matter. Learned counsel submit that it is Niranjana and Shivcharan who identified the seller, alleged Tularam, Kejabai and Abheram. As per prosecution story they were not present as Tularam and Kejabai had already died as aforementioned and Abheram was not present on the spot hence the burden lies with Niranjana and Shivcharan as they have falsely and allegedly identified other persons in the names of Tukaram, Kejabai and Abheram. Applicant Jitendra Bajnare is an advocate. Registry office and Tehsil office are situated nearby. He used to appear and he was present in course of his duties. He had not

committed any offence. He is falsely implicated. It is further submitted that there is no role of the applicant Harish Sahu but for his presence as stated in the statement of Birebal. Applicant Rameshwar Daharia is an illiterate villager. He has not committed any offence. The applicant have not committed any offence. Hence they may be enlarged on bail.

5. Per contra, learned counsel for the State opposes the arguments advanced on bail of the applicants on the basis of the statement of Birbal recorded under Section 161 of the Cr.P.C. showing the role of all the applicants.
6. Perused the entire material.
7. On due consideration of the evidence collected against the present applicants during investigation, I am not inclined to grant bail to the applicants.
8. Consequently, all the three MCRCs are dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge