

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3143 of 2017**

- Pawan Kumar Sukhram Nandeswar, Aged About 26 Years, R/o Village Bagrekasa Police Station Bortalab, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Kotwali, District- Rajnandgaon, Chhattisgarh.

----Non-applicant

And**MCRC No. 4515 Of 2017**

- Rakesh Sori S/o Kailash Sori, Aged About 25 Years, R/o Village Saroli, Police Station Khadgaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant : - Shri Aditya Bhardwaj, Advocate (in MCRC No.3143/2017),
Shri Abhishek Sharma, Advocate (in MCRC No.4515/2017).

For Non-applicant/State :- Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/11/2017**

1. As both the applications arise out of the same crime number, i.e. Crime No.166/2016 registered at P.S. Kotwali, District Rajnandgaon, C.G. for the offence under Section 419, 420, 467, 468, 471/34 of the IPC and Section 66(C) and 66(D) of the Information and Technology Act, they are being decided by this common order.

2. It is submitted by learned counsel for the applicants that these are first bail applications of the applicant under Section 439 of the Cr.P.C. before this Court. The applicants are innocent and have been falsely implicated in this case. The main accused in this case Rajachand Khobragarhe and Mangal Kodape have been granted bail by the coordinate Bench of this Court. The applicants have a similar case. The FIR recorded in this case does not mention the name of the applicants. The applicants are in jail since 17-05-2016. Trial of the case is not yet concluded, there is likelihood of delay in conclusion of the trial. The applicants are ready to abide by all the conditions to be imposed upon grant of bail. Hence, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the applications and submission made. It is submitted that applicants Pawan Kumar and Rakesh Sori impersonated as Sufal Tandan and Dwarika in execution of the sale-deed, standing in place of the owner of the land in question, being well aware of the fact that they are committing offence of impersonation. Hence, the applicants are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are that the land in question belonged to Manoj Kumar, Sufal Tandan and Dwarika. As alleged in the FIR, the said land was sold by Vyankatesh, Tikam and Krishna to one Sufiyan Saied Khan on the basis of false personification and fake Aadhar Card. The applicants are the persons who personified themselves as the real owners of the said land. After registration of the offence and investigation, the case is before the trial Court.

6. Considering on the submissions made and contents of the case diary and the facts that the case is already before the trial Court and the

trial against the applicants is not yet concluded, the applicants are in jail since 17-05-2016, other accused persons similarly placed have been benefited with grant of bail, presence of the accused before the trial Court can be ensured by imposing conditions, this Court is of the view that the applicants in both the MCRC deserves to be enlarged on bail in the present case.

7. Consequently, the applications (MCRC No.3143/2017 and MCRC No.4515/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the 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 their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge