

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3628 of 2017**

1. Brijlal Vishvkarma S/o Vishram Vishvkarma Aged About 45 Years R/o Village Jogi Gufa, Police Station Bori, District - Durg, Chhattisgarh
2. Manish Kumar Vishvkarma S/o Tularam Vishvakarma Aged About 23 Years R/o Village Parevadih, Ward No. 19, Police Station, Lalbag, District - Rajnandgaon, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The District Magistrate, Police Station - Kotwali, District - Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.78/2017 registered in Police Station Kotwali, Distt Rajnandgaon (CG) for the offence punishable under Sections 420, 419 read with Section 34 of the Indian Penal Code.

3. Learned counsel for applicants submits that applicant No.1 Brijlal Vishvkarma has been arrested on 01.02.2017 and applicant No.2 Manish Kumar Vishvkarma has been arrested on 25.3.2017, after investigation, concerned police has filed charge sheet, which is pending as Criminal Case No.1031/17 before Judicial Magistrate First Class, Rajnandgaon. Learned counsel for the applicants

submits that charge sheet has been filed, the matter is triable by Judicial Magistrate First Class, applicant No.1 is in custody for more than six months and applicant No.2 is in custody for 3 ½ months, they have been falsely implicated, applicant No.1 does not know why his photograph was fixed in the registered sale deed executed before the concerned Registry. He had not signed in the said false sales deed impersonating himself as Tularam. Applicant No.2 is the son of the complainant Tularam in whose name the alleged land was recorded. Both the applicants are innocent, they may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicants.

5. Perused the entire material.

6. In a document of sale which was registered before the Registrar, the photograph of applicant No.1 and his thumb impression is present, applicant No.2, the witness of the sale deed, is the real son of original land owner Tularam. Despite this fact, he falsely identified applicant No.1 as his real father and with this both the applicants by falsely impersonating Brijlal Vishvakarma as Tularam executed false and fabricated sale deed. On due consideration of the entire facts, I am not inclined to grant bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE