

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8305 of 2016

Gopal Singh S/o Late Jogender Singh Aged About 52 Years R/o
Quarter No. 6 A Street 34, Sector, 5 City Kotwali Bhilai District Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Dhamdha District
Durg, Chhattisgarh.

---Respondent

And

MCRC No. 8320 of 2016

Syed Gaffar Ali S/o Late Mohd. Ali Aged About 50 Years R/o Near
Kelabadi Masjid, Durg, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station- Dhamdha, Durg, District Durg, Chhattisgarh (In The
Impugned Order Mentioned Through District Magistrate, District
Durg, Chhattisgarh.)

---- Respondent

For applicants - Shri T.K. Jha and Smt. Fouzia Mirza, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/01/2017

1. Both these bail application are decided by this common order as they are arising out of the same crime.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.249/2016 registered in Police Station Dhamdha, Distt. Durg (C.G.) for offence punishable under sections 420, 419, 467, 468, 471, 120 B of Indian Penal Code.
3. As per the prosecution case, a report was made by one Parsuram Prasad that he entered into agreement with Hemant Verma

for purchase of land bearing khasra No.1206 and 1210 which belong to Kripal Singh and Thakur Singh and Manoj Soni was power of attorney holder. Therefore, sale deed was executed by power of attorney holder Manoj Soni in favour of Parsuram Prasad for sale consideration of Rs.25,32,000/- and Manoj Soni in the intervening period had agreed to sell the land to Gopal Singh and Gopal Singh agreed to sell it to Hemant Verma and Hemant Verma agreed to sell it to Parsuram Prasad. However, sale deed executed eventually by Manoj Soni. Subsequently, when mutation proceeding were carried out it was found that power of attorney, rin pustika and other documents were forged.

4. Learned counsel for the applicant Gopal Singh would submit that the applicant has not committed any offence, he is also one of the victim and he is not beneficiary, charge sheet has been filed, no further investigation would be necessary, therefore the applicant Gopal Singh may be enlarged on bail.

5. Learned counsel for the applicant Syed Gaffar Ali would submit that the applicant was not party to the entire crime, he has only provided the map which is otherwise also available through on-line through Bhuinya Software which could be obtained by any one. She submits that charge sheet has been filed, no further investigation would be necessary, therefore the applicant Syed Gaffar Ali may be enlarged on bail.

6. Learned State counsel opposes the prayer for grant of bail.

7. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of allegation appears that the applicants were not direct beneficiaries and the applicants are in jail since 30/08/2016, this court is inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE