

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8683 of 2016

- 1. Dhru Lal Lahre S/o Late Punauram Lahre, Aged About 55 Years R/o Village- Madauda, Tahsil- Khairagarh, District- Rajnandgaon Chhattisgarh.
- 2. Smt. Khediya Bai, W/o Dhru Lal Lahre, Aged About 52 Years R/o Village- Madauda, Tahsil- Khairagarh, District- Rajnandgaon Chhattisgarh.
- 3. Smt. Dashoda Bai, W/o Mohan Shan, Aged About 50 Years R/o Village- Batgaon, Tahsil And District- Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through- Police Station- Nandani Nagar, District- Durg Chhattisgarh. **--- Respondent**

For the applicants : Mr. Vipin Tiwari, Advocate
For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer.

MCRC No. 8684 of 2016

- Smt. Thagiya Bai W/o Late Feruram Shivare, Aged About 65 Years R/o Village- Arasnara, Police Station- Nandani Nagar, District- Durg Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh Through- Police Station- Nandani Nagar, District- Durg Chhattisgarh. **--- Respondent**

For the applicants : Mr. C.R. Sahu, Advocate
For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.01.2017

- 1. The applicants have filed these applications under Section 439 of the Code of Criminal Procedure seeking grant of regular in connection with Crime No. 234 of 2016 registered at P.S. Nandani Nagar, Distt. Durg (C.G) for the offence

punishable under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code.

2. Since both these bail applications are relating to the same crime number, they are being decided by this common order.
3. As per the prosecution case, the land was sold by Manthir, Ashwani, Anuj Khediya, Dashoda, Khomlal, Banshilal and Thagiya Bai in favour of Lalit Nayak and Dev Kumar and sale deed was executed in respect of the land situated at village Kodiya and the amount was received by the said sellers. Subsequently, Lalit Nayak, the purchaser made a report that sale was routed through Manoj Soni, one broker and the amount of Rs.12,25,000 was paid to Manoj Soni and Farid Khan. Thereafter, it was revealed that one of the seller Khomlal has died five years back. It is alleged that though Khomlal was dead, but the sale deed was executed by false personification and Kanhaiya Lahare appeared as Khomlal who is son-in-law of Khomlal and applicant Dhrulal has identified Kanhai as Khomlal thereby the offence has been committed. It is further alleged that the other accused Haldhar Gupta had prepared seal of Tahsildar so as to prepare the forged documents in his printing press.
4. Learned counsel for the applicants would submit the present applicants were co-sharers of the land and the co-sharers can always execute the sale for their undivided share, as such, no offence has been committed. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore the applicants may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the case diary documents. Earlier, the bail has been

granted by this Court to Manthir Ram, Ashwini and Anuj being co-sharers in M.Cr.C.No.8479/2016 on 05.01.2017. It is alleged that Kanhaiya has appeared as Khoman Lal and applicant Dhru Lal Lahre has identified him as Khomlal and signed as attesting witness, therefore, considering the role played by Dhru Lal Lahre, I am not inclined to release him on bail. His bail application is rejected.

7. However, so far as it relates to applicants Smt. Khediya Bai Smt. Dashoda Bai & Smt. Thagiya, their case is similar to that of other co-accused being co-sharers who have been enlarged on bail by this Court in M.Cr.C.No.8479 of 2016, therefore, I am inclined to release these applicants on bail.
8. Accordingly, applicants Smt. Khediya Bai, Smt. Dashoda Bai and Smt. Thagiya Bai are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**