

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 565 of 2017

Manoj Soni S/o Dhup Shivbhan Soni, Aged About 38 Years R/o Dhacha Bhawan, Kurud Road, Jamul Bhilai, Tahsil And District-Durg Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant - Shri B.P. Singh, Advocate.
For Respondent/State – Shri Om.P. Sahu, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/03/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed for want of prosecution on 12/01/2017 vide M.Cr.C. No.277 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 249/2016 registered in Police Station Dhamdha, District-Durg (CG) for offence punishable under sections 420, 467, 468, 471 r/w 34, 419 & 120B of Indian Penal Code.
3. As per the prosecution case, a report was made by Parshuram Prasad that he entered into agreement initially with Hemant Verma for purchase of land bearing khasra No.1206 and 1210 which belong to Kripal Singh and Thakur Singh and applicant 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 applicant 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 applicant 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 submits that the power of attorney in this case is not in dispute and if sale has been made on the basis of power of attorney, no criminality can be attributed to the applicant and applicant has not committed any offence. He submits that charge sheet has been filed, other co-accused have been enlarged on bail, therefore the applicant may be released on bail.

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

6. Perused the statement of Parsuram Prasad which shows that initially some agreement was entered with Hemant Verma, three lakhs advance was given. Subsequently, the applicant on the basis of power of attorney had executed sale of land and giving reference of earlier transaction after deduction of three lakhs sale deed was executed for Rs.25,32,500/- and the entire amount was given to Manoj Soni the present applicant which shows that entire sale consideration was received by the applicant. Therefore, the applicant appears to be the beneficiary to a large extent, as such his case appears to be different from the other co-accused who have been enlarged on bail. Taking into such fact, this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE