

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3203 of 2017

- Dhru Lal Lahre S/o Late Punauram Lahre, Aged About 55 Years, R/o Village Madauda, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nandani Nagar, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.K. Kesharwani, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-06-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.234/2016 registered at P.S. Nandani Nagar, District Durg, C.G. for the offence punishable under Section 419, 420, 467, 468, 471, 120-B of the IPC.

2. 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.

3. Learned counsel for the applicant would submit that since the sale was made by the other sharers, therefore, the applicant only with bonafide has identified and it was not in his knowledge that Kanhai was shown as Khomlal who was already died. He further submits that the applicant is in custody since 30-08-2016. Therefore, his prayer for release on bail may be reconsidered.

4. Learned counsel for the State/non-applicant opposes the bail application.

5. Perused the earlier order rejecting the bail application dated 17-01-2017 in MCRC No.8683/2016 and the application of bail was dismissed on merits, considering the same and the arguments in the matter again on merits cannot be appreciated which are already considered earlier. I do not find any change of circumstances to consider the case again on merits.

6. The MCRC is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Vacation Judge