

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 660 of 2018

1. Peeluram Dadsena S/o Heeralal Dadsena, Aged About 72 Years, Caste Kalar, R/o Village Kohrakot, Police Station Sankra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Diwakar Rana S/o Hariram Rana, Aged About 42 Years, R/o Village Kohrakot, Police Station Sankra, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sankra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2018

1. Heard the matter out of turn on the ground of medical emergency.
2. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 04-01-2018 in connection with Crime No.117/2013 registered at P.S. - Sankra, District Mahasamund, Chhattisgarh for the offence under Section 419, 420, 467, 468, 471, 120-B of the IPC.
3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Main accused in this case Patwari Bhim Kumar Sahu who was responsible for all the defalcation and over-writing in the revenue records has been granted bail by coordinate Bench of this Court in MCRC No.250/2016 vide order dated 28-01-2016. Role of the applicants in this case was simply this that they have been one of the witnesses of sale-deed which was executed by impersonation. The applicants had no opportunity to gain knowledge about the fraud and forgery committed in this case. The

applicants are in jail since 04-01-2018. Hence, it is prayed that they may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence against these applicants about their participation in commission of offence. Hence, both the applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The case of prosecution is this, that revenue record of land belonging to Koushala Bai widow of Dilip was forged by main accused Patwari Bhim Kumar Sahu showing the owner of land as Koushilya Bai widow of Dilip. On this basis, co-accused Phoolbai impersonated as Koushilya Bai and sold the land to one Anil Agrawal. Allegation against these applicants is that they had been one of the witnesses of the said sale-deed.

7. Considered on the submissions made and the contents of the case diary.

8. Looking to the nature of allegation against these applicants and the evidence that is available against them in the case diary, further looking to this fact that the applicants are local residents of District Mahasamund, I am of this view that both the applicants deserve to be released on bail in the present matter.

9. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge