

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1641 of 2018

Kanhaiya Lahare S/o Late Tejram Lahare Aged About 42
Years R/o Village Rounda, Police Station Dhamdha, District
Durg Chhattisgarh, --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police
Station Nandini Nagar, District Durg Chhattisgarh
--- **Respondent**

For the applicant : Mr. T. K. Jha, Advocate.
For the Respondent : Mr. Ashish Shukla, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.03.2018

1. This is third 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 Police Station Nandini Nagar Distt. Durg (C.G) for the offences punishable under Sections 420, 410, 467, 468, 471 & 120-B of IPC.
2. The first bail application was dismissed on 05.01.2017 and the second one was dismissed on 12.07.2017.
3. As per the prosecution case, the land was sold by Manthir Ashwani, Anuj, Khediya, Dashoda, Khomlal, Banshilal and Thagiya in favour of Lalit Nayak and Dev Kumar and the 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 one Farid Khan. Thereafter, it was revealed that one of the seller Khomlal has died five years back and the sale deed was

executed by false personification as the present applicant Kanhaiya Lahare who is son in law of Khomlal appeared as Khomlal. It is further alleged that accused Haldhar Gupta had prepared the seal of Tahsildar to prepare the forged documents from his printing press, thereby the offence has been committed.

4. Learned counsel for the applicant submits that the applicant is in jail since 02.09.2016 and the trial has not yet commenced. He further submits that the applicant was not the beneficiary and in fact, the entire money was taken by the broker Manoj Soni, therefore, the present applicant may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Perused the case diary documents. On perusal of the order sheets which have been produced it appears that the trial has not yet commenced.
7. Considering the nature of allegations and the facts and circumstances of the case especially the fact that the applicant is in jail since 02.09.2016 and there is delay in process of trial, I am inclined to allow this bail application.
8. Accordingly, the bail application is allowed and the applicant Kanhaiya Lahare is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE