

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1662 of 2018

1. Keshnand S/o Manmohan Suryawanshi, Aged About 70 Years, R/o- Village- Ghuru, P.S.- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Samundha Suryawanshi W/o Keshnand Suryawanshi, Aged About 65 Years, R/o- Village- Ghuru, P.S.- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through- S.H.O. Police Station- Civil Lines, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 2166 of 2018

- Smt. Radha Bai W/o Late Sirottam Suryawanshi, Aged About 62 Years, R/o- Village- Ghuru, P.S.- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - S.H.O. Police Station- Civil Lines, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

--- Non-applicant

For Applicants – Shri Vivek Tripathi, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-04-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.302/2017, registered at Police Station Civil Lines, District Bilaspur for the offence under Section 416, 420, 467, 468, 471, 120-B of the IPC, they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail as they have been arrested on 28-05-2017 in connection with aforesaid crime number and offences.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. These applicants had no knowledge about the execution of sale-deed by impersonation, they had appeared before the registration officer on asking of the co-accused persons. As these applicants are illiterate, hence, on asking of co-accused persons they have simply put their thumb impression without knowing the contents of this document and the effect of the same. The applicants are old aged persons and are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that these applicants may be granted regular bail.

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

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

6. As the case is, in a negotiation for sale of a land, co-accused Dhannu Yadav got prepared a forged power of attorney in the name of Harish Vahane, the real land owner. Some of the co-owners of the said land had expired. It is alleged applicant No.1 Keshnand (in MCRC No.1662/2018) presented himself as Lakhanlal, applicant No.2 Samundha Suryawanshi (in MCRC No.1662/2018) presented herself as Narmada Bai and applicant Smt. Radha Bai (in MCRC No.2166/2018) presented herself as Koushalya Bai before the registration authority for the execution of sale-deed. After that, complainant Harish Vahane came to know about this incident and he made a complaint under Section 156(3) of the Cr.P.C. before the JMFC Bilaspur who has ordered for lodging of the FIR against the applicants.

7. Considered on the material present in the case diary. Co-accused persons namely Dhannu Yadav and others have been granted bail by this Court. These applicants appear to be old aged persons and in ground of parity they also deserve to be granted bail, hence, for these reasons, I am of this view that these applicants should be released on bail during pendency of the trial against them.

8. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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 their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge