

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2695 of 2018

- Narayan Deep S/o Shri Chaituram Aged About 54 Years R/o Village Sagundhap, P. S. Sankra, Tahsil Pithoura, Civil And Revenue Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, Civil And Revenue Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

M.Cr.C. No.2329 of 2018

- Dulichand Patel S/o Shri Bhawar Singh Patel Aged About 60 Years R/o- Village- Chhatamouha, P.S.- Sankra, Tahsil- Pithoura, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mahasamund, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

M.Cr.C.(A). No. 159 of 2018

- Captain Singh S/o Late Hari Singh Aged About 55 Years Occupation- Businessman, R/o Ram Talkies Raod, Ward No. 20, Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants : Mr. Ravi Kumar Bhagat, Advocate in
M.Cr.C. No. 2695/2018 & 2329/2018.

Mr. C.R.Sahu, Advocate in M.Cr.C.(A).
Nos.159/2018.

For Respondent : Mr. Anant Bajpai, PLfor the State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20.04.2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same incident, they are being disposed of by this common order.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants - Narayan Deep & Dulichand Patel in (M.Cr.C. Nos. 2695/2018, 2329/2018), who have been arrested in connection with Crime No. 381/2017 registered at Police Station – Mahasamund, District – Mahasamund, (C.G.) for the offences under Sections 420, 467, 468, 471/34 of the Indian Penal Code.
3. The applicant in **M.Cr.C.(A) No. 159/2018** has preferred this bail application filed under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No. 281/2017 registered at Police Station – Mahasamund, District – Mahasamund, (C.G.), for the offence under Section 420/34 of the Indian Penal Code.
4. It is submitted on behalf of all the applicants that they are innocent and have been falsely implicated in this case. After completion of investigation the charge-sheet has been filed. No case is made out against any of the applicants. All the allegations is made out only

against the main accused -(Sanad Kumar), who has impersonated the owner of the land and obtained advances of Rs. 6,99,000/- and agreement for sale of land was executed by him. Applicants - Narayan Deep & Dulichand Patel in **(M.Cr.C. Nos. 2695/2018, 2329/2018)**, are in jail since, 12.03.2018 and ready to abide by the conditions which may be imposed upon them while granting bail, hence, it is prayed that the applicants be released on regular bail and anticipatory bail.

5. Learned counsel for the respondent/State opposes the applications and submits that the applicants have sworn an affidavit before the Notary, making admission that they are involved in the commission of crime of forgery and conspiracy. This is an evidence of extra-judicial confession, on that basis and looking to the involvement of the applicants in the said crime, they are not entitled for grant of regular bail or anticipatory bail.
6. Heard both the parties and perused the case diary.
7. According to the prosecution case the main accused- (Sanad Kumar) impersonated as Yogendra Babu and entered into an agreement for sale of land with complainant- (Ashok Kumar Sonwani) and received advances of amount of Rs. 6,99,000/- from the complainant. The allegation against the applicants is this that they helped the main accused in preparation of the forged "Rin Pustika" in which the photographs of the main accused was attached showing him as the person Yogendra Babu. Hence, this case.
8. Considering the submissions made, contents of the case diary and looking to the allegation that the applicants helped the main accused in commission of crime. There is no such statement made by any of the witnesses that these applicants had been benefited and received

amount by the main accused -(Sanad Kumar), hence, I am of the view that it is a fit case where the applicant is entitled for grant of bail.

9. Accordingly, **(M.Cr.C. Nos. 2695/2018, 2329/2018)**, filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Likewise, **(M.Cr.C.(A) No. 159/2018)** is hereby allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on 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. The applicant shall also abide by the following conditions :
- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

