

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6005 of 2017**

Dhannu Yadav S/o Shri Dular Yadav Aged About 50 Years R/o Village Uslapur, P.S. Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 7861 Of 2017**

Santosh Suryawanshi S/o Keshnand Suryawanshi, Aged About 42 Years R/o Village Ghuru, P.S. Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 311 Of 2018**

Satyanand Singh S/o. Shri Purshottam Singh, Aged About 32 Years R/o. Yadav Nagar Tifra, P. S. Sirgitti, Tahsil Bilaspur, Civil And Revenue Distt. Bilaspur Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Indra Sen Sahu, Shri Wasim Miyan and Shri Sunil Sahu, Advocates.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.01.2018**

1. All these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.302 of 2017, registered at Police Station – Civil Lines, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 416, 420, 467, 468, 471 and 120B of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in M.Cr.C. No. 6005 of 2017 is in jail since 23.6.2017, the applicant in M.Cr.C. No. 7861 of 2017 is in jail since 28.5.2017 and the applicant in M.Cr.C. No.311 of 2018 is in jail since 22.5.2017 and they have been falsely implicated in these cases. All the applicants are innocent villagers who have been made use of by the land brokers, namely, Raja Goswami, Pintu Sharma and Rahul, who have not been made accused in this case. The applicants were tempted to give their appearance before the registration authorities in lieu of some money given to them. This fact has been mentioned in the memorandum statements of the concerned applicants. None of the applicants is beneficiary of the amount received in the said transaction of sale of lands. It is also submitted that after lodging of FIR, the alleged sale transactions have been cancelled by the registration authority. The applicants are local residents of District Bilaspur and they are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is clear statement of witnesses against all the applicants that they have actively participated in the commission of cheating and forgery. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case is that a land bearing Khasra No. 216 situated in Tifra was negotiated for sale regarding which, the fact is that out of the land owners recorded in the revenue records, only complainant – Harish Wahani was alive and rest of the co-owners were dead. A forged power of attorney was obtained in the name of Harish Wahane for which applicant – Dhannu Yadav impersonated as Harish Vastrakar, in which the attesting witnesses were Rahul Singh and applicant – Satyanand Singh in M.Cr.C. No. 311 of 2018. On the basis of power of attorney, four sale deeds were executed in which the deceased owners were impersonated by other co-accused persons and some forged voter ID cards were also used for facilitating the execution of the said sale deeds. Consequent to the complaint made by complainant – Harish Wahane under Section 156(3) of the Cr.P.C. before the Learned Judicial Magistrate First Class, Bilaspur, FIR has been lodged in police station Civil Lines, Bilaspur.

6. Considering the submissions and the contents of the case diary and the memorandum statements given by applicant – Dhannu Yadav in M.Cr.C. No. 6005 of 2017, applicant – Santosh Suryawanshi in M.Cr.C. No. 7861 of 2017 and applicant - Satyanand Singh in M.Cr.C. No. 311 of 2018 and also

perusing the statement of other witnesses in the case-diary, I am of the view that the applicants should be granted regular bail during the pendency of the trial. Hence, all the three applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that applicant – Dhannu Yadav in M.Cr.C. No. 6005 of 2017, applicant – Santosh Suryawanshi in M.Cr.C. No. 7861 of 2017 and applicant - Satyanand Singh in M.Cr.C. No. 311 of 2018 shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge