

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5586 of 2018

1. Smt. Sonmat Bai W/o Shivdhari Kurrey, Aged About 60 Years, R/o- Ward No. 32, Godripara, Chirimiri, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Dilharan @ Chhota Yadaw S/o Shri Khelan Yadaw, Aged About 40 Years, R/o- Majhgaw, Near About Gembopara, Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

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

----Non-applicant

For Applicants – Shri B.M. Roy, Advocate.

For Non-applicant/State –Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2018

1. 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 04-02-2018 and 20-03-2018 in connection with Crime No.41/2018 registered at P.S. - Civil Line, Raipur, District- Raipur, Chhattisgarh for the offence under Section 420, 467, 468, 471, 419, 201, 120-B read with Section 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant No.1 is in jail since 04-02-2018 and applicant No.2 is in jail since 20-03-2018. No case is made out against them. Similarly placed co-accused persons have been granted regular bail as well as anticipatory bail by this Court. Hence, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that applicant No.1 had impersonated as vendor of the property in

the fraudulent sale and applicant No.2 was the person who arranged the persons to impersonate in the said execution of sale deed. Hence, they are not entitled for grant of bail.

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

5. The case against these applicants is this, that these applicants and one co-accused Rajiv Datta with the help of other co-accused persons hatched a conspiracy to fraudulently execute a sale deed of the property belonging to complainant Mohd. Azam Khan, for which applicant No.2 helped in arranging the persons to impersonate as real owners and applicant No.1 stood as one of the sellers in the said execution of sale deed. Hence, this case.

6. Considered on the material present in the case diary and also considered this fact that similarly placed co-accused persons have been granted bail by this Court, hence, for these reasons, I feel inclined to grant regular bail to these applicants.

7. 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 in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge