

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.7890 of 2018**

Lakhan Singh, S/o Late Shri Shyam Sunder Singh, aged about 46 years,
R/o Dipra Para, Durg, District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through District Magistrate, Durg, District Durg,
Chhattisgarh

---- Respondent

M.Cr.C. No.8194 of 2018

Sailesh Tiwari, S/o Late Sunder Lal Tiwari, aged about 44 years, R/o Near
Shubham Nursing Home, Ganjpara, Durg, Tahsil and District Durg,
Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through S.H.O. Police Station Supela, District Durg,
Chhattisgarh

---- Respondent

M.Cr.C. No.8395 of 2018

Gautam Asudani, S/o Sewa Ram Asudani, aged about 33 years, R/o Gali
No.3, Katora Talab, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Police Station
Supela, District Durg, Chhattisgarh

---- Respondent

M.Cr.C. No.8396 of 2018

Ranjeet Singh @ Rane, S/o Shri Nattha Singh, aged about 39 years, R/o
Khursipar, Balaji Nagar, Near Shitla Mandir, Bhilai, District Durg,
Chhattisgarh, Present Address – 167, Yoni Home, Bhata Gaon, Raipur,
P.S. Purani Basti, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the District Magistrate, Durg, District Durg,
Chhattisgarh

---- Respondent

M.Cr.C. No.8723 of 2018

Lalbahadur @ Lalu Verma, S/o Shri K.S. Verma, aged about 40 years, R/o Shanti Nagar, Ward No.16, Bhilai, P.S. Purani Bhilai, Civil and Revenue District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Supela, Civil and Revenue District Durg, Chhattisgarh

---- Respondent

For Respective Applicants	:	Dr. N.K. Shukla, Senior Advocate with Shri P.R. Patankar, Advocate and Shri B.P. Singh, Shri Maneesh Sharma with Shri Pragalbha Sharma, Shri Anand Shukla and Shri Sunil Sahu, Advocates
For Respondent/State	:	Shri Sangharsh Pandey, Deputy Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

13.12.2018

1. Since all the bail applications arise out of a common crime number, they are disposed of together by this common order.
2. The instant are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicants who have been arrested in connection with Crime No.613 of 2018 registered at Police Station Supela, District Durg for offence punishable under Sections 420, 467, 468, 471, 120B and 201 of the Indian Penal Code.
3. Case of the prosecution, in brief, is that Amit Shrivastava and Nitin Shrivastava are Directors of Yash Group, which owns lands at Priyadarshini Parisar, Bhilai and those lands have been attached

by the Government. On 3.7.2018, a written report was made by Satish Chandrakar alleging that both the Directors of Yash Group, Tapan Sarkar, the present Applicants and other co-accused persons conspired for committing a forgery by preparing forged agreements to sell the attached property of Yash Group, which, at that time, had a market value of Rupees Six to Seven Crores. Allegedly, the accused persons prepared three agreements to sell in November, 2017 and January, 2018 on blank stamp papers, which were purchased in the year 2013, but those three agreements have been shown to be executed on 6.9.2014, i.e., prior to the attachment of the property in question and thereby the accused persons have committed the aforesaid offence.

4. It has been submitted on behalf of the respective Applicants that the Applicants have been falsely implicated in the case. They are innocent. It has been further submitted that on the basis of the evidence collected by the prosecution, no *prima facie* case under Sections 420, 467, 468, 471, 120B and 201 of the Indian Penal Code is made out against any of the Applicants. It has been further submitted that even if the evidence collected by the prosecution is taken as it is, it is clear that the alleged forged agreements to sell have not been used. From the evidence, *prima facie*, it is established that the alleged offence of fraud was at preparation stage only and mere preparation does not attract the offence alleged against the Applicants. The Applicants are in custody for the last four months. Charge-sheet has already been filed. Trial will take much time. Therefore, the Applicants may be enlarged on bail.

5. Learned Counsel appearing for the Respondent/State opposes the prayer for bail.
6. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
7. Considering the facts and circumstances of the case, the submissions put-forth on behalf of the parties, the evidence collected by the prosecution and the period of detention of the Applicants, without further commenting on merits of the case, I am inclined to release the Applicants on regular bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that all the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
JUDGE