

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 197 of 2019**

- Tarun Patil S/o Nanhu Ram Patil Aged About 36 Years R/o Village Rakhi Tahsil Patan District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Amleshwar, District Durg Chhattisgarh

---- Non Applicant

MCRC No. 825 of 2019

- Ashwani Dadsena S/o Gambhir Ram Dadsena, Aged About 51 Years R/o Amarpuri Chowk, Sunder Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Amleshwar, District Durg, Chhattisgarh

.....Non Applicant

For the Applicants : Mr. B.P. Singh, Advocate

For Non Applicant : Ms. S. Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.04.2019**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.55/2017 registered at Police Station- Amleshwar District- Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Section 3(1) (a) of SC and ST(Prevention of Atrocities) Act,1989.
4. Case of the prosecution, in brief is that complainant is the member of Scheduled Tribe. Complainant and his family members were agreed to sell the disputed land to applicant Ashwani Dadsena. Applicant had obtained his and his family members signatures on some documents. Applicant Ashwani Dadsena made a forged Will where testator was Premlal who is the father of the complainant and it was in favour of applicant Tarun Patil. Applicants sold the disputed land to some other persons.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case and he further drew my attention on the true copy of the statement of the complainant recorded by trial Court.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. What would be the effect of statement of complainant is the subject matter of scrutiny, which this Court can not do at this stage.
8. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Parul