

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2868 of 2019**

Sukhmaniya, wife of Shri Jagmohan, aged about 50 years, Caste Panika, R/o Ram Nagar, P.S. Vishrampur, Tahsil and District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Surajpur, District Surajpur (CG).

---- Non-applicant**AND****MCRC No.2878 of 2019**

1. Kamla Prasad Dewangan, aged about 52 years, son of late Angatram, Caste Panika.
2. Ramkripal, aged about 25 years, son of Shri Kamla Prasad.
Both are resident of village Newra, Police Station Tahsil and District Surajpur (CG).
3. Smt. Bijali Bai, widow of late Ramsai, aged about 60 years, resident of village Durati, P.S. Bhatgaon, Tahsil Pratappur, District Surajpur (CG).

--- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Surajpur, District Surajpur (CG).

---- Non-applicant**AND****MCRC No.3136 of 2019**

Smt. Soni Dewangan, aged about 40 years, Wife of Shri Gujaraj Dewangan, resident of village Khopa Chowki, Karanji, P.S. Jainagar, Tahsil Bhaiyathan, District Surajpur (CG).

--- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Surajpur, District Surajpur (CG).

---- Non-applicant

For Applicants : Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.06.2019

1. Above mentioned three bail applications arise out of a common Crime No.163/2018 registered at Police Station Surajpur, District Surajpur for the offence punishable under Sections 419, 420, 467, 468, 471 and 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that the disputed land was in the joint name of applicants Kamla Prasad Dewangan, Smt. Bijali Bai and complainants Inder

Bai and Kabilaso Bai. The applicant Kamla Prasad Dewangan is the brother of applicant Bijali Bai and complainants Inder Bai and Kabilaso Bai. The applicant Kamla Prasad Dewangan sold the disputed land to Samuel Tirki by registered sale deed. At the time of execution of sale deed dated 21.10.2014, the applicant Bijali Bai was present as consenter. Actually complainants Kabilaso Bai and Inder Bai were not present at that time, but applicant Sukhmaniya was present as complainant Kabilaso Bai. The applicant Smt. Soni Dewangan was present as complainant Inder Bai. The applicant Bijali Bai had knowledge that actually complainants Kabilaso Bai and Inder Bai are not present there, applicants Sukhmaniya and Smt. Soni Dewangan misrepresenting them, respectively. Applicant Ramkripal was one of the witnesses of said registered sale deed. Consideration of the sale deed is Rs.1,18,800/-.

3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail. However, he further submits that no criminal antecedent is reported against the respective applicants in police case diary.
5. One co-accused Nahar Singh Gond has been released on bail by this Court vide order dated 26.04.2019 passed in M.Cr.C. No.2551/2019.
6. Looking to these facts and circumstances of the case, looking to the material available on record and looking to the consideration of Rs.1,18,800/-, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.2868/2019, M.Cr.C.No.2878/2019 & M.Cr.C. No.3136/2019) are allowed.
7. It is directed that in case, each of the applicants i.e. Sukhmaniya, Kamla Prasad Dewangan, Ramkripal, Smt. Bijali Bai and Smt. Soni Dewangan furnish two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-