

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7178 of 2019**

1. Roshan Lal Agrawal S/o K.K. Agrawal Aged About 39 Years R/o C-002, S.S. Enklev, Near S.S. Plaza, Power House Road Korba, Tahsil And District- Korba, Chhattisgarh, District : Korba, Chhattisgarh
2. Danesh Agrawal S/o K.K. Agrawal Aged About 33 Years R/o Durpa Road Korba, Tahsil And District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through- The Police Station Chouki C.S.E.B. Thana Kotwali, District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicants	:Shri R.S.Marhas and Shri Sanjay Agrawal, Advocates.
For Objector	:Shri T.K. Jha, Advocate
For Respondent	:Shri Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.956/2018 registered at Police Station Chowki CSEB, Thana Kotwali, District Korba(C.G.) for the offence punishable under Sections 420, 34, 468, 471, 193, 196, 120B of the IPC.
- As per the case of prosecution, the present applicants and complainant are sharing the relationship as tenant and owner of the disputed land since the year 2012, which is duly renewed by both the parties from time to time in accordance with law. Thereafter, no agreement was made after 2015 and

the applicants preferred a civil suit before the court below to execute the agreement, in support of which, they filed false affidavits of Sunil Gupta and Balram Hirihani.

- Learned counsel for the applicants submits that the applicants have not committed any offence and the applicants and the complainants are running their business smoothly and on some dispute, the complaint has been lodged malafidely against them. He submits that the offence is triable by Magistrate and applicants are in jail since 4.10.2019 and trial may take some time for its final disposal therefore, the applicants may be released on bail.
- On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application. Learned counsel for the Objector submits that the applicants have committed a crime of forgery of crores of rupees, therefore, they are not entitled for grant of bail.
- Perused the entire material available on record.
- Considering the facts and circumstances of the case, in particular the nature of allegations against the applicants and the offence is triable by Magistrate, I am of the opinion that present is a fit case to release the applicants on bail.
- Accordingly, the application is allowed. It is directed that on each of the applicants furnishing a personal bond in the sum of Rs.5,00,000/- with two sureties each in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:

- That, the applicants shall furnish a specific, undertaking that while on bail, they will not commit any offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge