

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9082 of 2018**

1. Mahabeer Bareth S/o Late Satruhan Bareth Aged About 20 Years
 2. Mahadev Bareth S/o Late Satruhan Bareth Aged About 25 Years
- both R/o Village - Mahuda, Police Station Champa, District - Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Champa, District - Janjgir-Champa, Chhattisgarh.

---- Respondent**MCRC No. 9818 of 2018**

Santosh Kumar Dewangan S/o Jeevan Lal Dewangan Aged About 39 Years R/o Village Rani Road Hanuramn Chowk Champa Police Station And Tahsil Champa District Janjgir Champa CG

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate District Janjgir Champa And Police Station District Janjgir Champa Chhattisgarh.

---- Respondent

For applicants in MCRC No. 9082/2018

Mr. Ravindra Sharma, Adv.

For applicant in MCRC No. 9818/2018

Mr. P.K. Tulsiyan, Adv.

For non-applicant/State

Ms. Sangeeta Mishra, GA.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28-1-2019**

1. IO Rajesh Choudhari, Inspector, PS Champa, Distt. Janjgir Champa is personally present with the case diary. He is directed to strictly comply with the orders of this Court in future.
2. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
3. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail applications are pending before any other court.
4. The applicants have been arrested in connection with Crime No. 179/2018 registered in police station Champa, Distt. Janjgir Champa (CG) for offence punishable under Section 419, 420, 467, 468, 471 and 34 of the IPC.

5. Prosecution story in brief is that true owner of the disputed land was complainant Shekhar Dewangan. It is alleged that co-accused Shivnath alias Kalia alias Shekhar executed a sale deed of disputed land in favour of Vijay Kumar Thakur and Bhagwati Bai Patel impersonating himself as Shekhar Chand. It is also alleged that applicants assisted co-accused Shivnath alias Kalia alias Shekhar. From applicant Mahabeer Bareth, one Adhar Card of Shekhar Dewangan with photograph of co-accused Shivnath alias Kalia alias Shekhar, one blank cheque of Axis Bank, photocopy of one Kisan Kitab which was in the name of Shekhar Chand, and Rs. 5,500/- were seized. From applicant Mahadev Bareth, one pan card issued in the name of Shekhar, one ATM card, one pass book which was in the name of Shekhar, one cheque of Union Bank, one filled cheque, cash of Rs. 6,200/- were seized, from applicant Santosh Kumar Dewangan, one pass book, one cheque book and cash of Rs. 11,500/- were seized.
6. There is no memorandum of the applicants.
7. Complicity of the applicants is shown in the memorandum of co-accused Shivnath alias Kalia alias Shekhar.
8. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated hence they be released on bail.
9. On the other hand, the State Counsel opposed the bail applications. He further submits that no criminal antecedent has been reported against applicants in the police case diary.
10. Looking to the above facts and circumstances of the case, as the trial will take time, the applications are allowed. It is ordered that if each of the applicants furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that they will not involve themselves in any of the crime in future, they be released on bail.
11. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge