

- 19/06/2020**

the applicant namely Girijashankar Sapha and the complainant entered into agreement to sale with applicant and two others on 26.06.2015 but the complainant and his companion have sold some portion of land by way of three registered sale deeds to the others and not executed the sale deed in favour of the applicant and two others, so that other applicant has sent legal notice to the complainant and his companion on 23.05.2018, and write letter to the concerned Superintendent of Police on 25.05.2018. In MCRC No. 1648/2020 the applicant namely Mukawandas Kashyap using the general power of Attorney in his favour, has sold land to different persons and have earned wrongful profit out of it and have committed forgery with the complainants of the present case. Based on this, offence has been registered and the present applicants were arrested on 03.01.2020.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that the applicants are doing the business of selling and buying of property and they have not committed any forgery. He submits that as the applicants are in custody since 03.01.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.
5. On the other hand, counsel for the State as well as counsel for the objector oppose the bail applications.
6. I have heard learned counsel for the parties and perused

the record.

7. Considering the facts and circumstances of the case, in particular the nature of allegations and further considering the fact that the applicants are in jail since 03.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.1,00,000/- with one local surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed, till the disposal of the trial.
10. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), they need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if they have not furnished the bail

bond earlier, then they will be required to furnish bail bond within four weeks from today.

11. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim