

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3694 of 2020**

- Salahuddin S/o Late Moijuddin Aged About 63 Years R/o Sadar Bazar, Saddani Chowk, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- Minhajuddin S/o Late Moijuddin Aged About 61 Years R/o Near Daffodil School Kota, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sarswati Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant No.1	:	Mr.Awadh Tripathi, Adv.
For Applicant No.2	:	Mr. Goutam Khetrapal, Adv.
For Objector	:	Mr. Qamrul Aziz, Adv.
For Respondent/State	:	Mr. H.S.Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/7/2020**

1. Heard.
2. Admit.
3. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 43/2020 registered at Police Station-Sarswati Nagar, Raipur, District Raipur (CG) for the offence punishable under Sections 420, 467, 468, 471, 120B of the IPC.
4. The prosecution story, in brief is that complainant Israr has lodged a report that the applicants have prepared forged power of attorney and the sold the ancestral property. Based on this, offence has been registered against the present applicants.

5. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the crime in question. They submit that the property belongs to the applicants and no family member of the applicants have complained about making of forged power of attorney. Learned counsel submit that a closer report was filed in this case and the matter was closed, but this case has been again registered against the applicants. They further submit that the applicants are aged about 63 and 61 years and they are in jail since 29.5.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State as well as counsel for the Objector oppose the bail application.
7. Learned counsel for the Objector submits that he is appearing on behalf of complainant/objector Israr and four more cases have been registered against the applicants.
8. I have heard learned counsel for the parties and perused the record.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the applicants are aged about 63 and 61 years and they are in jail since 29.5.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
10. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety each in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
11. 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 23.03.2020 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 bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they shall be required to furnish bail bonds within four weeks from today.

Sd/

(Rajani Dubey)
Judge