

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6844 of 2020**

1. Rajani Kant Thakur, S/o Sajan Thakur, aged about 30 years, Cast-Nai, R/o Nagar Panchayat Bhatgaon, P.S. Bhatgaon, Distt. Surajpur (CG)
2. Anand Yadav, S/o Balkaran Yadav, aged about 42 years, Cast-Bargah, R/o Ward No.17, Near Mission Chowk, Pradhan Gali, Kedarpur, Ambikapur, PS Gandhinagar, Ambikapur District Surguja (CG)

**---- Applicants****Versus**

- State of Chhattisgarh, Through Police Station Chandoura, District Surajpur (CG)

**---- Respondent**


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| For Applicants | : | Mr. A.N. Pandey, Advocate               |
| For Respondent | : | Mr. Siddharth Dubey, Dy. Govt. Advocate |

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**Hon'ble Mr. Justice Parth Prateem Sahu****Order On Board****07.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 4.9.2020 in connection with Crime No.47/2020 registered at Police Station Chandoura, District Surajpur (CG) for commission of the offence punishable under Sections 419, 420, 120(B), 467, 468, 471 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicants along with co-accused Janki Gond, sister of complainant Bifaiya Gond, committed the offence of cheating, fraud, forgery and impersonation with an intent to grab ownership land of complainant Bifiya Bai.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the offence in question. He

further submits that the applicants are resident of the village where the purchaser of land i.e. Sonamani wife of Late Amresh Oraon, is residing and on her instance, they went along with her and signed the sale deed as witness. They are not acquainted with or known to Bifaiya Bai or Janki Bai, who are shown to be sellers in the sale deed dated 25.2.2015. They have signed the sale deed bonafidely and not with intent to commit any offence as alleged against them. The applicants are in custody since 4.9.2020 and they had no criminal past. Hence, it is prayed that applicants may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that sale deed has been shown to be executed by Bifaiya Bai & Janki Bai. As per complaint made by Bifaiya Bai, she has been impersonated by one Dhankunwar Bai. After taking thumb impression of Dhankunwar Bai and also affixing her photograph showing her to be Bifaiya Bai, the sale deed has been executed. He further submits that the applicants having full knowledge that Bifaiya Bai, one of the sellers, is not present and in her place some other lady is signing the sale deed, have signed the sale deed as witness. He further submits that complaint is under investigation and charge sheet has not yet been filed before the competent Court.
5. Mr. Pandey, learned counsel for applicants submits that as per his information, charge sheet has already been filed.
6. Considering the facts and circumstances of case, nature of allegation levelled against the applicants that they have signed sale deed dated 25.2.2015 as witness and further considering the fact that applicants are residents of different village than that of Bifaiya Bai & Janki Bai and they are in custody from 4.9.2020, without commenting anything on merits of

the case, I am inclined to release the applicants on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned. They are directed to appear before the trial Court concerned on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
Judge

roshan/-