

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6782 of 2021**

1. Mukesh Kumar S/o Uttara Kumar aged about 41 Years R/o Ward No. 5, Mura, Police Station Kurud, District Dhamtari, Chhattisgarh.
2. Tejram Sahu S/o Amir Sahu aged about 31 Years R/o Ward No. 9, Birejhar, Police Station Kurud, District Dhamtari, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh Through the Incharge, Police Chowki Birejhar, Police Station Kurud, District Dhamtari, Chhattisgarh

---- Non-applicant

For Applicants	: Mr. Raghvendra Pradhan, Advocate
For Non-applicant/State	: Mr. Alok Nigam, Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****20/12/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 73/2020 registered at Police Chowki Birejhar, P.S. Kurud, District Dhamtari (C.G.) for the offence punishable under Section 467, 468, 471, 420, 120-B of IPC.
2. Case of prosecution is, that on 27.10.2016, sale deed of the land situated at village Birejhar, P.H. No. 13, khasra No. 328, measuring 0.64 hectare was executed in the name of Ameer Sahu to Dayaram Sahu (purchaser). Subsequently, the purchaser came to know that the person who executed the sale deed in name of Ameer Sahu was Deenuram Sahu who impersonated himself as Ameer Sahu. The incident was reported by purchaser of land to the concerned police station on 06.02.2021, based upon which, FIR was registered against six persons. Applicants

were arrested on 30.04.2021 & 07.05.2021.

3. Learned counsel for the applicants would submit that applicants are only witnesses to the sale deed and they have not committed any offence as alleged against them. He also submits that after arrest of applicants, investigation is completed and charge-sheet has also been filed before the Court of competent jurisdiction. Applicants are in jail since last 8 months, hence, they may be enlarged on regular bail.
4. Learned State counsel, while opposing the submissions made by the learned counsel for the applicants, would submit that applicants are the witnesses of sale deed but applicant No. 2 is none other than the son of Ameer Sahu who is original owner of land. Ameer Sahu in his statement has specifically stated that he at no point of time has executed sale deed. Applicants were very well aware of the fact that the person who is executing the sale deed is not Ameer Sahu, the original owner of land, but Deenu Ram Sahu, hence, they are not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, the fact that Applicant No. 2, Tejram Sahu being witness to sale deed is son of Ameer Sahu, hence, it cannot be said that he was not aware of the fact that execution of sale deed and signing the sale deed as seller being owner of land in name of Ameer Sahu was not Ameer Sahu, photograph of co-accused Deenu Ram Sahu is affixed in place of Ameer Sahu in kisan pustika (rin pustika), hence, in view of aforementioned undisputed fact available in the charge-sheet, I do not find it fit to allow application for grant of bail with respect to applicant No. 2,

Application of applicant No. 2/ Tejram Sahu is dismissed.

7. Sofar as, application with respect to applicant No. 1 is concerned, he is witness to the registered sale deed and is resident of some other village, as appearing from the address, he is in jail since 30.04.2021, charge-sheet has been filed, offence to be triable by Magistrate, without commenting anything on merits, I am inclined to allow the bail application with respect to applicant No. 1.
8. Accordingly, the bail application with respect to applicant No. 2/ Tejram Sahu is dismissed and bail application with respect to Applicant No. 1 is allowed. It is directed that the **applicant No. 1/Mukesh Kumar** shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
 Judge