

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8138 of 2020

Ashwani Kumar Khanna S/o Late Shri Gyanchand Khanna Aged About 62 Years Address - House No. 202, Rishab Prime City, Block - P, Potiya, Police Station Durg Kotwali, District Durg Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Durg, Kotwali, District Durg Chhattisgarh ---- **Respondent**

And

MCRC No. 9053 of 2020

Atma Singh Sarthi S/o Shri Narayan Singh Sarthi Aged About 55 Years R/o Shivnath River Road, Behind Thakur Paan Thela, District Durg, Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through, S.H.O. P.S. Durg, District Durg (Chhattisgarh), District : Durg, Chhattisgarh ---- **Respondent**

For respective Applicants	:	Shri B.P. Singh and Shri Ashish Surana, Advocates
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/02/2021

Heard.

1. The applicants have been arrested in connection with Crime No.931 of 2019 registered at Police Station-Durg, District Durg (CG),

The Applicant-Ashwani Kumar Khanna has been arrested on the allegation of commission of offence under Section under Section 420, 467, 468, 471, 34 of IPC and Applicant-Atma Singh Sarthi has been arrested on the allegation of commission of offence under Section 420, 467, 468, 471, 419, 120-B and 34 of IPC.

2. Both the bail applications are being disposed off by this common order as they arise out of the same crime number.

3. As per the prosecution story, on 10.10.2019, one Chetan Khanna lodged report against the applicant Ashwani Kumar, Bhola Prasad, Aatma Ram and Sandeep Khanna alleging therein that property bearing Khasra No.12, 13/32, area 5220 sq. ft belong to Ashwani Khanna, Anil Khanna and Jawaharlal. Ashwani Khanna and Jawaharlal, by forgery, sold 3000 sq.ft. of above mentioned land to one Usha Devi vide registered sale deed dated 27.07.2006 and area 2220 sq. ft to one Prasanjeet Haldar vide sale deed dated 14.06.2006 by personating in place of complainant's father, his own son Sandeep Khanna and in place of Jawahar Lal, one Aatma Ram and falsely executed the sale deed without seeking consent of complainant's father and his uncle Jawahar Lal. Allegation against the applicant is that he was one of the attesting witnesses of above sale deeds. On the basis of said background, offence has been registered.
4. Learned counsel for the applicants would submit that the applicants are innocent and they have been falsely implicated in the present case. It is argued that investigation is complete, charge-sheet has already been filed and the applicants are in jail since 25.06.2020 and 07.08.2020 respectively. It is submitted that co-accused Sandeep has been granted regular bail and Silvestar Paul has been granted anticipatory bail by this Court. Learned counsel for the applicants would argue that the allegation against Sandeep is that he impersonated Anil, therefore, the applicant Aatma is similarly situated as Sandeep. It is next submitted that the allegation against the applicant Ashwani is that he sold the property along with Sandeep and Aatma and Sandeep and Aatma are alleged to have impersonated Anil and Jawaharlal therefore, at this stage, Ashwani is also entitled to grant of bail.
5. On the other hand, learned counsel for the State opposes the prayer and submits that bail has been granted earlier to Sandeep, who is alleged to have impersonated Anil and Silvestar Paul, who is said to be the witness of the case. He would submit that though Aatma Ram may be considered as similarly situated as Sandeep, Ashwani's case is different and against him the allegation is that he allowed imposter to stand with him to sell the property.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that Sandeep who is alleged to have impersonated Anil and Silvestar Paul, who is said to be witness of the sale

deed, have already been granted bail by this Court, on parity, applicants are also entitled to grant bail particularly taking into consideration that investigation is complete, charge-sheet has been filed and they are in jail since 25.06.2020 and 07.08.2020 respectively, the application is allowed.

7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge