HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Bail Application No. 11808/2024

Hemraj Lothiya S/o Shri Madan Lal Lothiya, Aged About 43 Years, R/o Ward No. 7 Bhanpur, P.s Bhanpur, Dist. Mandsor (M.p.) (At Present Confined In Sub Jail Ramganjmandi)

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

Connected With

S.B. Criminal Misc. 2nd Bail Application No. 12620/2024

Smt. Sushila Devi W/o Late Badrilal, Aged About 43 Years, R/o Riico Area Gurjar Mohalla Kherda, Police Station Mantown, District Sawai Madhopur. (At Present Confined In Central Jail, Kota).

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

S.B. Criminal Misc. Bail Application No. 13470/2024

Ramdayal S/o Mangilal, Aged About 60 Years, R/o Gordhanpura, Police Station Sapotara, District Karauli, Presently Moti Nagar Khairda Sawai Madhopur, Police Station Mantown, District Sawai Madhopur (Rajasthan) (At Present Confined In Central Jail Kota, District Kota).

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

S.B. Criminal Misc. Bail Application No. 14670/2024

Munna Banjara S/o Heeralal, Aged About 50 Years, R/o Teen Tapri Sureda, Police Station Suket, District Kota (Rajasthan) (At Present Confined In Central Jail Kota, District Kota).

----Petitioner

Versus

State of Rajasthan, through PP

----Respondent

For Petitioner(s)	:	Mr. Amit Dadhich Mr. Tarun Jain Mr. Ajay Singh Yaduvanshi
For Respondent(s)	:	Mr. Rishi Raj Rathore, PP

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

16/12/2024

1. These bail applications have been filed by the accused-petitioners under Section 483 B.N.S.S., in connection with F.I.R. No.216/2024 registered at Police Station Suket, District Kota for the offences punishable under Sections 419, 420, 467, 468, 471 & 120-B of IPC.

2. The First Bail Application bearing No.11780/2024 of accused-petitioner- Sushila Devi W/o Late Badrilal was dismissed as withdrawn at that stage by this Court vide order dated 26.09.2024 with liberty to file fresh bail application.

3. Heard.

4. Considered the submissions made at bar and also perused the challan papers.

5. The nature of allegation levelled against the accused-petitioners is that the land recorded in the name of Sushila Bai D/o Kishan Sharma was transferred through registered sale deed executed in favour of one Kailash Bai W/o Munna Banjara by impersonation, in the manner that while executing the sale deed in place of the original landowner i.e. Sushila Bai D/o Kishan Sharma, one Sushila Devi W/o late Badrilal was produced before

the Registrar for attesting the sale deed. Some of the accused-petitioners are the witnesses of that sale deed.

6. Kailash Bai in whose favour the registered sale deed was executed, has now moved an application under Sections 88 & 89 of the Rajasthan Tenancy Act before the Sub-Divisional Officer Ramganj Mandi, District Kota that since the registered sale deed in her favour was void ab initio as it was executed by producing Sushila Devi W/o late Badrilal as the landowner in place of Sushila Bai D/o Kishan Sharma and she has prayed that the registered sale deed dated 11.08.2021 be declared ab initio void and ineffective.

7. Learned counsel for the accused-petitioner- Munna Banjara in bail application bearing No.14670/2024 on instructions from his clients submits that after release of the accused-petitioner, he will hand over the possession of the land in question to the original landowners/her successors within a period of ten days from their release from jail.

8. Taking into consideration the overall facts and circumstances of the case and more particularly the allegations levelled against the accused-petitioners and so also the fact that the Police after completion of investigation has submitted charge-sheet in the matter and the main beneficiary has already moved an application for cancellation of the aforesaid sale deed and they have also agreed to hand over the possession of the land to the original landowner/her successors, this Court without expressing any opinion on the merit and demerits of the case, deems just and proper to enlarge the petitioners on bail.

9. These bail applications are, accordingly, allowed and it is directed that accused-petitioners shall be released on bail provided each of them shall furnish a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) together with two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the satisfaction of the trial Court with the stipulation that they shall appear before that Court or any other Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

10. The Registry is directed to place a copy of this order in each connected case files.

(GANESH RAM MEENA),J

DIVYA SAINI /22-25