

Tejpal Vs State and anr.

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Court : Delhi

Decided On : Jul-16-2010

Judge : Ms. Hima kohli, J.

Acts : Code Of Criminal Procedure (CRPC) - Sections 439 ; Indian Penai Code - sections 420, 468, 467, 471, 34 IPC

Appeal No. : BAIL APPLN. No.1003/2010

Appellant : Tejpal

Respondent : State and anr.

Advocate for Def. : Mr. M.N. Dudeja, Adv.

Advocate for Pet/Ap. : Mr. R.P.Yadav ; Mr.O.P.Panwar ; Ms.Babita, Adv.

Judgement :

1. Whether Reporters of Local papers may No be allowed to see the Judgment?
2. To be referred to the Reporter or not? No
3. Whether the judgment should be No reported in the Digest?

ORDER

1. The present petition is filed by the petitioner under Section 439 Cr.P.C. seeking bail in Case FIR No.333/2008 lodged by Sh.Rajpal under Sections

420/468/467/471/34 IPC read with Section 120B IPC registered with PS Mehrauli, New Fatehpur Beri.

2. A Status Report is handed over by the learned APP and taken on record. As per the Status Report, the case was registered on the complaint of one Rajpal and his brothers, wherein they narrated that their ancestors, Sh.Sohan Kale and Kalla had 1/3rd share and Sh.Nahtan and Sh.Nirmal were having 2/3rd share in a parcel of land situated in village Aya Nagar. The aforesaid ancestors expired in the years 1982-83 where after, the complainants came to know that the land was mutated in the name of one Mahipal in the year 2002. However, they claimed that they being the legal heirs, did not sell the said land to anyone.

3. A case was registered after conducting an inquiry. In the course of investigation, it transpired that Firey Singh, Rameshwar and Sunil had hatched a criminal conspiracy to sell the papers of the shared land, by forging documents. Thereafter, they executed a sale deed dated 2.5.2002 in respect of the land in question with one Mahipal, the nephew of the petitioner, in which the sale price was shown as Rs.2,00,000/-. Out of the aforesaid amount, some amount was given to one Tejpal who had a role to play in the transaction and the remaining amount was shared between the aforesaid three persons.

4. The Status Report notes that taking advantage of the fact that none of the persons had any documents in respect of the shared land, the aforesaid three persons hatched a conspiracy and forged documents in collusion with one Brijpal and Tejpal and cheated Mahipal to the tune of Rs.2,00,000/-. It is further stated that the aforesaid documents have been taken into possession, except for the original forged GPA executed by the Bhumidars in favour of Brijpal, which is stated to be in possession of Rameshwar and Sunil. The charge sheet against Tejpal, Brijpal and Firey Singh has been filed in the court on 14.4.2010 and thereafter, Rameshwar and Sunil were granted interim bail till 30.8.2010.

5. The present petition is not seriously opposed by the learned APP for State, subject to the petitioner co-operating with the investigating authorities as and when required.

6. In view of the fact that a challan has already been filed and documents have been recovered and the petitioner is in judicial custody since 05.04.2010, the petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial court. The petitioner shall render all necessary assistance to the IO, as and when called upon to appear before him. The petition is disposed of.

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