

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CR. CASE NO. 3360 OF 2015**

Dileshwar Chelak, S/o Manohar Chelak, aged about 22 years, R/o village Banagar, Police Station Kurud, Civil and Revenue District Dhamtari (C.G.)

---Applicant

Versus

The State of Chhattisgarh, Through: the Police Station Kurud, Civil and Revenue District Dhamtari (C.G.)

---Non-applicant

And**MISC. CR. CASE NO. 3371 OF 2015**

Neelam, son of Ramji Sahu, aged about 38 years, resident of Village Kopedih, Police Station Abhanpur (Abhnupar), Civil and Revenue District Raipur, Chhattisgarh.

---Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station Kurud, District Dhamtari, Chhattisgarh.

---Non-applicant

For Applicant : Ms. Sarina Khan, Advocate in M.Cr.C.No. 3360/2015.
 For Applicant : Mr. P.P. Sahu, Advocate in M. Cr.C.No. 3371/2015.
 For Non-applicant : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/07/2015**

1. Above mentioned two bail applications arise out of a common Crime No.119/2015, registered at Police Station Kurud, District Dhamtari (C.G.), for the offence punishable under Sections 419, 420/34 of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the

Cr.P.C.

2. Case of the prosecution, in brief, is that, present applicants while running the Village Development Trust along with co-accused-Tularam obtained Rs. 60,000/- from the complainants for providing various amenities.

3. Ms. Sarina Khan and Mr. P.P. Sahu learned counsel appearing for the respective applicant would submit that they have not committed any offence and they have been falsely implicated in the offence in question. Learned counsel for the applicants would further submit that other co-accused person-Lukeshwar Yadav has played the similar role as that of the present applicants and he has already granted regular bail by this Court vide order dated 17/06/2015 passed in M.Cr.C.No. 2566/2015. Learned counsel for the applicants would lastly submit that applicants are in jail since 10/04/2015 and charge sheet has been filed therefore, they may be released on regular bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of regular bail and submit that applicants have collected money from the complainants for providing various amenities.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the material collected by the prosecution against applicants and the nature of allegation made against the applicants that they have obtained money from the complainants and, thus, the case of the present applicants are quite distinguishable from the Lukeshwar Yadav, who has granted regular bail, this Court is not inclined to release the applicants on regular bail. Consequently, bail applications (M.Cr.C.

Nos.3360/2015 & 3371/2015) filed under Section 439 are rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE

Tiwari