

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CR. CASE NO. 3385 OF 2015**

Shivlal son of Chain Sai, aged about 35 years, Resident of Village Dharampur, Police Station and Tahsil Pratappur, District Surajpur (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Pratappur, District Surajpur (C.G.)

Civil and Revenue District Surajpur (C.G.)

---Non-applicant

And**MISC. CR. CASE NO. 3387 OF 2015**

Rajnath, son of Sadhuran, aged about 38 years, Resident of Village Dharampur, Police Station and Tahsil Pratappur, District Surajpur (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Pratappur, District Surajpur (C.G.)

Civil and Revenue District Surajpur (C.G.)

---Non-applicant

For Applicants :	Mr. V.K. Pandey, Advocate
For non-applicants :	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 141/2015, registered at Police Station Pratappur, Civil and Revenue District Surajpur (C.G.), for the offence punishable under Section 420/34 of Indian Penal Code, 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 applicant- Shivilal being Sarpanch and applicant- Rajnath being Salesman of the Fair Price Shop, Dharampur distributed essential commodities/food in the name of dead person and thereby committed offence.

3. Learned counsel appearing for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that food grain was claimed by the relative of the deceased and applicants were unaware of the death of *Rashan Card Holder*. He would lastly submit that applicants are in jail since 27/06/2015 therefore, they may be released on bail.

4. Learned counsel appearing for the State/non-applicant would oppose the prayer for grant of regular bail.

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 and further taking into consideration the nature and gravity of offence; defence of the applicants and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications (M.Cr.C. Nos. 3385/2015 and 3387/2015) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants namely, Shivilal and Rajnath shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-**

each with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari