

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4188 of 2015**

Kannu Pasi, S/o. Late Rampyare Pasi, aged about 42 years; Resident of Near Rly Crossing Lal Khadan, P.S. Torwa, Revenue and Civil District Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: The Police Station-Civil Line, District Bilaspur (C.G.)

---- Non-applicant**And****MCRC No. 4031 of 2015**

1. Shashank Trivedi, son of Shri Sushil Trivedi, aged 27 years, R/o Gitanjali City, Mangla Bilaspur, P.S. Civil Lines, Tahsil & District Bilaspur (C.G.)
2. Dilip Banjare, S/o Late Krishna Banjare, aged 25 years, R/o Jarahabhata Mini Basti, P.S. Civil Lines, Bilaspur, Tahsil & District Bilaspur (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Bilaspur (C.G.)

For Applicant: Mr. P.K. Tulsyan, Advocate in M.Cr.C. No. 4188/2015.

For Applicants: Mr. D.C.Verma, Advocate in M.Cr.C. No. 4031/2015.

For Non-applicant/State: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/08/2015**

Heard.

(1) Above mentioned two bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.200/2015, registered at Police Station Civil Lines, Bilaspur, for the offence punishable under Sections 420,448,467,468 & 120(B)/34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that applicants took forcible possession of the suit premises owned by Sujoy Mukherjee and held as a tenant by Jaiprakash Tripathi and, thereby, committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that he applicants have not committed any offence as they have not taken forcible possession of the suit premises; and the suit premises is still in possession of Jaiprakash Tripathi; and it was let out by landlord Sujoy Mukherjee to accused Shashank Trivedi and as such applicants have been falsely implicated in the offence in question. He further submits that applicants are in jail since 10.05.2015 & 06.05.2015, respectively and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the statement of Sujoy Mukherjee; and considering the facts that applicants are languishing in jail since 10.05.2015 & 06.05.2015, respectively; and the charge sheet has already been filed; this court is of the view that it is a fit case to

release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – Shashank Trivedi, Dilip Banjare & Kannu Pasi are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to 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/-
(Sanjay K. Agrawal)
Judge

D/-