

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4230 of 2015

1. Mukesh Verma, S/o Balram Verma, aged 30 years
2. Pratap Sahu, S/o Loknath Sahu, aged 27 years
3. Seva, S/o Shatrughan Sahu

All R/o Vill. Khamaria, P.S. Khamaria, District Bematera (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Khamaria, District Bematera (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.4233 of 2015

1. Narayan, S/o Goverdhan Sahu
2. Anand, S/o Ghurva Sahu

Both R/o Vill. Khamaria, P.S. Khamaria, District Bematera (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Khamaria, District Bematera (C.G.)

---- Non-applicant

For Applicants:	Mr. Ajay Ayachi, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/08/2015

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section

439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.91/2015, registered at Police Station Khamaria, Distt. Bemetara, for the offence punishable under Sections 420 & 120B of the IPC.

3. Case of the prosecution, in brief, is that the applicants along with Mahendra Banjare obtained Rs.14 lakhs from the complainants on 12-7-2013 in order to double the amount and thereby committed the offence.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case, in fact, the amount has been obtained by co-accused Mahendra Banjare in order to double the same, as such, FIR has been lodged after delay of more than two years which is unexplained. Even in the FIR, there is no allegation against the present applicants and they have been falsely implicated, as in another case applicant Anand has been released on bail by this Court by order dated 19-1-2015 passed in M.Cr.C.No.6888/2014 and, therefore, in order to falsely implicate others, FIR has been lodged on 6-7-2014. Applicants Mukesh Verma, Pratap Sahu & Seva are in jail since 14-6-2015 and applicants Narayan & Anand are in jail since 29-6-2015. Charge-sheet has been filed.
5. On the other hand, learned State counsel opposes the bail applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the fact that the allegation of accepting Rs.14 lakhs is upon co-accused Mahendra Banjare, role of the present applicants, their pre-trial detention, extent of delay in lodging the FIR, and the fact that charge sheet has already been filed, I am of the opinion that the applicants deserve to be released on regular bail. Accordingly, the

applications are allowed.

8. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma