

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5275 of 2015

1. Chhote Lal, S/o Jeevan Lal Sahu, aged 29 years
2. Bharat Sahu, S/o Jeevan Lal Sahu, aged 31 years

Both R/o Vill. Lamha, P.S. and Tehsil Lormi, Distt. Mungeli (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Khamariya, Distt. Bemetara (C.G.)

---- Non-applicant

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| For Applicants:    | Mr. Ajay Ayachi, Advocate.               |
| For Non-applicant: | Mr. Anupam Dubey, Deputy Govt. Advocate. |
| For Complainant:   | Mr. Tridib Bhattacharya, Advocate.       |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/10/2015

1. The accused/applicants have moved this bail application 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.
2. 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.
3. 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. The applicants are in jail since 16-9-2015. Charge-sheet has been filed. Learned counsel further submits that similarly situated co-accused persons Mukesh Verma, Pratap Sahu, Seva, Narayan and Anand have been granted regular bail by this Court vide order dated 25-8-2015 passed in M.Cr.C. Nos.4230/2015 and 4233/2015.

4. On the other hand, learned State counsel and learned counsel for the complainant oppose the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 pretrial detention, extent of delay in lodging the FIR, the fact that charge-sheet has already been filed and the fact that similarly situated co-accused persons have already been enlarged on regular bail by this Court vide order dated 25-8-2015, I am of the opinion that the present applicants also deserve to be released on regular bail. Accordingly, the application is allowed.
7. 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