

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1046 of 2016**

1. Ashok Kumar S/o Heera Singh, aged about 30 years, by caste Gond, R/o Village – Madan, P.S.-Pali, Distt.Korba (CG)
2. Mohar Singh S/o Heera Singh, aged about 45 years, R/o Damiya, P.S.-Pali, Distt.Korba (CG)

---Applicants**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station-Civil Lines, Distt.Bilaspur (CG)

---Non-applicant**And****M.Cr.C.No.1312 of 2016**

Mohammed Usaama S/o Gulam Hussain, aged about 40 years, R/o Ring Road, Gali No.02, in front of Mahima Vihar, Thana Civil Line, Bilaspur, Tehsil and District Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh, through Officer-in-Charge, Police Station-Civil Line, Bilaspur, Revenue and Civil District Bilaspur (CG)

---Non-applicant**And****M.Cr.C.No.1414 of 2016**

Rajesh Kumar S/o. Kamlesh, aged about 39 years, R/o. Village Sambhupura, Police Station Naubatpur, District Patna (Bihar), Present Address: Bhartiya Nagar, Magarpara, Police Station Civil Line, Bilaspur, Tehsil and Civil and Revenue District Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Bilaspur, District Bilaspur and also Police of Police Station Civil Line, Bilaspur, District Bilaspur (CG)

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate in M.Cr.C.No.1046 of 2016
For Applicant	:	Mr.Mahendra Dubey, Advocate in M.Cr.C.No.1312 of 2016
For Applicant	:	Mr.Govind Dewangan, Advocate in M.Cr.C.No.1414 of 2016
For Non-applicant	:	Mr.Dhiraj Wankhede, G.A. in all cases

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/03/2016

1. Since the aforesaid three bail applications are arising out of the same crime number i.e. Crime No.780/2015, they are being disposed of by this common order.

2. These are the first bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.780/2015, registered at Police Station-Civil Lines, Bilaspur, District-Bilaspur (CG), for the offence punishable under Section 420 read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that the applicants obtained ₹2,43,360/- from 468 beneficiaries in the name of society known as *Kanya Kalyan Welfare Society* by making promise to return the same to the beneficiaries upon their completing the age of 18 years/at the time of their marriage and did not return the same.

4. Mr.Awadh Tripathi, learned counsel appearing for applicants-Ashok Kumar & Mohar Singh in M.Cr.C.No.1046 of 2016 and Mr.Mahendra Dubey, learned counsel appearing for applicant-Mohammed Usaama in M.Cr.C.No.1312 of 2016 would submit that the applicants

have not committed any offence and they have falsely been implicated in crime in question. They are simply office bearers of the society and entire amount has been received by Rajesh Kumar and has not returned the same to the beneficiaries and thereby they are not responsible.

5. Mr.Govind Dewangan, learned counsel appearing for applicant-Rajesh Kumar in M.Cr.C.No.1414 of 2016 would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant has no role in offence in question, he has not taken the money and as such, he may be released on bail.

6. On the other hand, learned counsel for the State would oppose the bail applications.

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

8. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of applicant-Rajesh Kumar as he has collected the entire amount and has used the same for own purpose, I do not find any ground for grant of regular bail to applicant-Rajesh Kumar. Consequently, bail application filed on behalf of applicant-Rajesh Kumar is rejected. However, looking to the allegations against other applicants namely, Ashok Kumar, Mohar Singh and Mohammed Usaama, their role, their pre-trial detention and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, applicants-**Ashok Kumar, Mohar Singh and Mohammed Usaama** should be enlarged on regular bail.

9. Accordingly, bail applications filed on behalf of applicants-**Ashok Kumar, Mohar Singh and Mohammed Usaama** are allowed.

10. It is directed that applicants-**Ashok Kumar, Mohar Singh and Mohammed Usaama** 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-