

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 136 of 2017

1. Kanhaiya Nishad S/o Dhavtal Nishad, Aged About 32 Years R/o Village- Amasivni, Tahsil and District- Raipur Chhattisgarh.
2. Mantram Baghel, S/o Amritlal Baghel, Aged About 35 Years R/o Village- Saddu, Raipur, District- Raipur Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh through- Police Station- Patewa, District- Mahasamund Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Devershi Thakur, Advocate
For the Respondent	: Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

23.01.2017

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 192/2016 registered at P.S. Patewa, Distt. Mahasamund (C.G) for the offence punishable under Section 420/34 of the IPC.
2. Case of the prosecution, in brief, is that one Premlal had made a report that the applicants came to the complainant and allured that they will double the money. Consequently an amount of Rs.20,000/- was given and in lieu thereof Rs.40,000/- was given back. Subsequently it was found that out of Rs.40,000/-, Rs.15,000/- were in the original and the other notes of Rs.5000/- were paper cuttings, thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated and in fact the complainant himself is involved in this case and when the rain was conducted at that time the applicants were

arrested. He further submits that the charge sheet has been filed and no further investigation is necessary and the similarly placed co-accused Laxminarayan Verma, Madhav Verma and Amrit Verma have been enlarged on by this Court in M.Cr.C.No.7747 of 2016 on 08.12.2016, therefore, the applicants may be released on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that other similarly placed accused who were arrested in same crime number have been enlarged on bail by this Court.
5. Perused the case diary documents and the statement of the complainant. Taking into the facts and circumstances of the case and the nature of allegations as also the fact that similarly placed co-accused have been enlarged on bail by this Court, I am inclined to allow this bail application.
6. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE