

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1071 of 2017

- Sanjay Sahu S/o Jagarnath Sahu, Aged About 40 Years, Occupation Business, R/o Village Vakil Colony Surajpur, Police Station & Tahsil Surajpur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Surajpur District Surajpur Chhattisgarh

---- Non-applicant

And

MCRC No. 1647 Of 2017

- Mangalsai (Mangalsa) Manjhwari S/o Lalwaram, Aged About 70 Years, (member of tribal community), R/o Sukhri Bhandar, Police Station Udaypur, District Surguja, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ashok K. Shukla and Shri Shakti Raj Sinha, Advocates (in MCRC 1071/2017).

Shri A.N.Bhakta, Advocate (in MCRC No.1647/2017).

For Non-applicant/State – Shri Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-06-2017

1. Both the cases are analogously heard.
2. These are first bail applications filed under Section 439 of the Cr.P.C. seeking grant of bail to the applicants in connection with Crime No.336/2016 registered at Police Station Surajpur, District Surajpur, C.G. for the offence punishable under 419, 420, 465, 467, 468, 471, 120B of the IPC.
3. As per the allegations, a report was made by Kailash Prasad, the original owner of the land that Mangalsai personified himself as Kailash Prasad and sold the land to Sanjay Sahu S/o Rambharos Sahu and Sanjay Sahu S/o Jagarnath Sahu was a witness and Mangal Sai was vendor.
4. Learned counsel for the applicants submit that the charge sheet in this

case has been filed and no further investigation is necessary in the case; sale consideration was only of Rs.35,000/- and there has been some transaction took place between the parties. It is submitted that one attesting witness Dev Kumar was enlarged on bail in MCRC No.1123/2017 on 29-03-2017. Applicant Sanjay Sahu is in jail since 28-12-2016 and his case is similar to that of Dev Kumar and further submitted that Mangalsai is in jail since 07-08-2016; therefore, the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Taking into consideration the facts and circumstances of the case, nature of evidence and considering the period of detention as applicant Sanjay Sahu is in jail since 28-12-2016 and applicant Mangalsai is in jail since 07-08-2016, this Court is inclined to release the applicants on bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of the concerned trial court for their appearance before the said court as and when directed.

9. C.C. as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge