

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 690 of 2017

1. Bodhan @ Domar @ Bhim, S/o. Man Singh Markam, aged about 25 years, R/o. Village-Tarai Beda, P.S. & Tahsil – Keshkal, Revenue and Civil District – Kondagaon (C.G.).
2. Suresh Kumar Razak, S/o. Sukalu Ram Razak, aged about 24 years, R/o. Village- Bhirawahi, P.S. & Tahsil – Kanker, Revenue & Civil District – North Bastar – Kanker (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Korar, District – Kanker (C.G.)

---- Respondent

AND

M.CR.C. No. 721 of 2017

1. Michael Masihi, S/o. Jibrayal Masihi, aged about 25 years, R/o. Behind L.I.C. Office, Tikrapara, Kanker, Police Station – Kanker, Revenue and Civil District – North Bastar Kanker (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Korar, District – Kanker (C.G.)

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate & Mr. Kamlesh Kumar Pandey, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

1. These are the bail applications filed 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.45/2016, registered at Police Station – Korar, District – Kanker (C.G.) for the offence punishable under Section 419, 420, 389, 395, 506-B of the Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by one Ramtulla Bai on 24.05.2016 alleging that on 17.05.2016, the applicants along with others came and was personified themselves to be officers of Crime Branch and stated that they would arrest Laleshwar Patel, son of the complainant - Ramtulla Bai in case of Cannabis and demanded Rs.1.00 lakh and thereby total amount of Rs.85,000/- was paid. Subsequently, it was found that the applicants do not belong to the police and the matter was reported to the police. Thereby the offence has been committed.
3. Learned counsel for the applicant in M.Cr.C. No.721/2017 would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to file afresh after examination of the complainant. It is stated that complainant -Ramtulla Bai, Shivcharan Patel Laleshwar Patel have been examined from whom the alleged amount is stated to have been taken and they have not supported the case of the prosecution.
4. Likewise, counsel for the applicants appearing on behalf of the applicants in M.Cr.C. No.690/2017 would submit that statement of the witnesses would show that money which was alleged to have been given by the complainant – Ramtulla Bai, Shivcharan and Laleshwar have not stated anything against the applicants. It is further submitted that the applicants are in jail since 25.05.2016, therefore, the applicants may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that complainant and other witnesses have been examined and they have not supported the case of the prosecution.
6. I have heard learned counsel appearing for the parties.

7. Perused the statements of the witnesses. Considering the facts and circumstances of the case and further considering the fact that complainant and other material witnesses have been examined in this case and they have not supported the case of the prosecution, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge