

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2268 of 2017**

Md. Harun, S/o. Late M.D Jakariya, Aged About 33 Years, Occupation -Business, R/o. Ward No. 12, (Mahua Dafai), Haldibadi, Police Station- Chirmiri, Tahsil -Khadgawa, District- Korea , Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Pondi District- Korea, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2808 of 2017**

Mohd. Bilal @ Javed, S/o. Noor Mohammad, Aged About 37 Years, Caste- Momin, R/o. Bazarpara Koriya Coalry Tehsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer. Police Station -Podi District- Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Hamida Siddiqui & Mr. Shakti Raj Sinha, Advocates
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/11/2017**

- Both the bail applications are heard and decided together by this common order, as both the bail applications are arising out of same crime number as the facts and issues involved are similar in nature.

2. These are the first 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.146/2015, registered at Police Station – Podi (Pondi), District – Korea (C.G.) for the offence punishable under Section 420, 465, 467, 468, 471, 419, 197, 201-B, 120-B, 34 of the Indian Penal Code.
3. It is submitted by the learned counsels for the applicants that applicants are innocent and have been falsely implicated in this case and they are in jail since 19.12.2016 and 21.12.2016 respectively. The case has been investigated and charge-sheet has been filed. Applicants are partners of the Mariyam Construction Company, which is alleged that a forged solvency certificate was presented while submitting tender before the Municipal Corporation, Chirmiri, because of which they were blacklisted by the Municipal Corporation, Chirmiri. Applicants have succeeded in the Writ Petition (C) No.1876/2016, which has been decided by the order dated 20.04.2017 by the Division Bench of this Court in setting aside the order of blacklisting against the applicants. Applicants are willing to abide by all the conditions as imposed while granting bail, therefore, it is prayed that applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that a fake and forged solvency certificate was submitted with the tender before the Municipal Corporation, Chirmiri within the knowledge and with connivance of the applicants. Therefore, the applicants may

not be released on bail.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. Considering the submissions made and the contents of the case diary and the fact that applicants are local resident of Chirmiri and they are in jail since more than one year, their presence can be ensured by imposing conditions and the case before the trial Court against the applicants is likely to take some time for its conclusion, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge