

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7959 of 2016

- Bhuvneshwar Prasad Sahu S/o Hariram Sahu, Aged About 46 Years
R/o B. S. U. P. Colony, Mathpuraina, P. S. Tikrapara, District- Raipur
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through- Station House Officer, Police Station-
Gol Bazar, District- Raipur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

MCRC No. 8079 of 2016

- Dhanraj Sahu S/o Motilal Sahu Aged About 24 Years R/o Vijay
Chowk Village Dhulna Mentioned Only As Dhulna In The Impugned
Order), Police Station- Gobra Nawapara (Mentioned Only As Gobra
Nawapara In The Impugned Order), Raipur, District Raipur,
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Golbazar, Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Kashif Shakeel, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

MCRC No. 8207 of 2016

- Sisendu Dewangan S/o Mr. Netro Dewangan Aged About 28 Years
R/o Dheemar Mohalla , Nehru Nager Ward, Tikrapara , Raipur
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through The Policee Station Gol Bazar, Raipur,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. B.P. Sharma, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. These are three bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 86 of 2016 registered at Police Station Golbazar, Raipur Distt. Raipur (C.G) for the offence punishable under Sections 420, 467, 468, 471, 380/34 of IPC. Since all these bail applications are arising out of the same crime number, they are decided by this common order.
2. As per the prosecution case, in respect of allotment of houses under B.S.U.P. Scheme in Dhebar City, Raipur, 8 complaints were made that the present applicants in connivance with each other have accepted different amounts to allot the houses to the respective persons and the receipts were found to be forged. It is alleged that Applicant Sisendu Dewangan has stolen the receipt book and no objection certificate (electricity) from the office of Municipal Corporation and thereafter after using the forged seal of Commissioner illegally allotted the houses to the investors along-with other co-accused.
3. Learned counsel for the applicants would submit that all the applicants are not the employees of the Municipal Corporation which would be evident from the evidence collected by the prosecution. It is further submitted that the applicants were employed in the Municipal Corporation by a placement agency which itself would go to show that the prosecution agency instead of catching hold of the real culprits have passed the entire allegations on these

applicants who are quite outsiders. It is also submitted that considering the fact that the money would be paid to the strangers and the receipts of the Municipal Corporation would be issued as also looking to the nature of such employment of the applicants, it is for the Corporation to safe-guard its documents and as such the story projected by the prosecution is completely improbable. Further during the course of arguments learned counsel highlighted one *Kabulnama* and would submit that though the allegations are that the applicants have issued the receipts, but the *Kabulnama* of one Sishendu would show that he is an illiterate and his thumb impression was obtained, therefore, instead of nabbing the real culprits who committed anomalies, the applicants have been falsely implicated.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents as also the *Kabulnama* which was pointed out by the learned counsel for the applicants. It appears that the applicants were not the employees of Municipal Corporation and the houses which were under the Scheme of Municipal Corporation were said to have been allotted and different amounts were received. Considering the nature of evidence collected against the applicants and the facts and circumstances of the case especially the fact that the charge sheet has been filed and all the evidence appears to be documentary in nature and further looking to the period of detention of the applicants as applicant Sisendu Dewangan is in jail since 11.08.2016 and applicants Bhuvneshwar Prasad Sahu & Dhanraj Sahu are in jail since 12.08.2016, I am inclined to allow these applications.

6. Accordingly, the bail applications are 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 for their appearance before the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

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