

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7507 of 2017

- Mohd. Bilal Khan @ Javed S/o Noor Mohammad Aged About 37 Years R/o Bazarpara Koriya Collary Tehsil Baikunthpur Police Station Chirmiri District Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station- Pondi District Koriya Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 7668 of 2017

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

---- Applicant

Versus

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

---- Respondent

For the Applicants : Shri S.S. Sinha and Ms.
Hamida Siddique, Advocates.

For the Respondent/State : Shri Sasank Thakur, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

14.12.2017

1. Both the applications are heard and decide together by this common, order, as both the bail applications are arising out the same crime number.
2. These are the first bail application for grant of bail to the applicants who have been arrested in connection with Crime No. 86/2017, registered at Police Station – Pondi, District –Korea (C.G), for the offences under Sections 419, 420, 465, 467, 468, 471, 34 of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The case is that the applicants are alleged to have used solvent certificate to procure some contract from Municipal Corporation, Chirmiri. Another case in Crime No 146/2015 was registered against both the applicants on same grounds in which the applicants are benefited with grant of bail and this is also the similar case. On the ground of parity. It is prayed that the applicants

may be enlarged on bail.

4. Learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that there is sufficient evidence and possibility conviction against the applicants for the prosecution, hence, they are not entitled for grant of bail.
5. The facts of the case are these that both the applicants are partners of M /s. Mariyam Construction Company and submitted the tender on the basis of the advertisement floated by the Municipal Corporation regarding construction of a library building. As per the clause in the advertisement, the applicants submitted solvency certificate and it is alleged that in the said solvency certificate was found to be forged. On the basis of which the complaint was made and the FIR has been lodged against the applicants.
6. Considering the submission and contents of the case diary and taking into consideration the fact that in the similar matter applicants have been benefited with grant of bail, after due considerations, it appears that the applicants are in jail since 13.07.2017 and no purpose would be served, if the applicants are kept in detention till the completion of the investigation and trial, this Court is of the opinion that this is a fit case, where the applicants in both the cases are entitled for grant of bail.
7. Consequently, both the applications M.Cr.C. No. 7507 of 2017 and M.Cr.C. No. 7668 of 2017 filed under Section 439 of the Cr.P.C. are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

Jamal