

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 66 of 2017

1. Sahil Miri S/o Aasharam Miri Aged About 25 Years R/o Village Saddhu, Police Station Mowa, District Raipur, Chhattisgarh.
2. Amarnath Dewangan S/o Vishanu Prasad Dewangan Aged About 26 Years R/o Chandkhuri From (Mungeshar) Tahsil- Arang, Police Station- Mandir Hasaud District- Raipur, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh Through Police Station Patewa, District Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Rekhraj Bhagel, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.119/2016 registered at Police Station- Patewa, District Mahasamund (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Premlal had made a report that the applicants alongwith other came to the complainant and allured that they will double the money. Consequently, an amount of Rs.20,000/- was given and in lieu thereof Rs.40,000/- was given back. Subsequently, it was found that out of Rs.40,000/-, Rs.15,000/- were in the original and others were paper cutting. Thereby, the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and in-fact the complainant himself is involved in this case and when the raid was conducted at that time the applicants were arrested. He further submits that the charge

sheet has been filed and no further investigation is necessary. It is also submitted that similarly placed co-accused Laxminarayan Verma, Madhav Verma & Amrit Verma have been enlarged on bail by this Court in M.Cr.C.No.7747/2016 on 08.12.2016, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused have been enlarged on bail by this Court.
5. Perused the case diary, documents and the statement of the complainant. Taking into the nature of allegations and facts and circumstances of the case especially the fact that the fact that similarly placed accused have been enlarged on bail by this Court in M.Cr.C.No.7747/2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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 surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge