

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4791 of 2017

1. Amit Singh, S/o. Shri Rajendra Singh, Aged About 34 Years, R/o. Gosandepur, District -Gazipur, Uttar Pradesh
2. Prakash Patel, S/o. Shri Babulal Patel, Aged About 49 Years, R/o. Shivpur District – Varanasi, Uttar Pradesh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station - City Kotwali, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/08/2017

1. Heard on application under Section 439 of the Code of Criminal Procedure.
2. The applicants have been arrested and are in custody since 12.05.2017 for the offence under Section 467, 471, 420, 34 of the Indian Penal Code in connection with Crime No.191/2017, registered in Police Station – City Kotwali, Bilaspur, District – Bilaspur. The case has been investigated and the charge-sheet has been filed before the trial Court.
3. It is submitted by the counsel for the applicants that FIR in this case does not mention the name of the applicants as one of the co-accused, even the statement of the witnesses discloses that when the complainant and other received their appointment letters, they arrived at Bilaspur and met with main accused Ratan Lal and B.N. Singh and 4-5 other persons. Name of the applicants are mentioned in the statement of some of the witnesses, which are totally unconnected

with the incident that has taken place and there is no direct allegations against them. No test identification parade has been conducted in this case. It is further submitted that police has arrested the applicants only on this basis that they were residing with main accused in Surya Hotel, Bilaspur and that they are residents of Uttar Pradesh. Hence, it is prayed that applicants may be enlarged on bail.

4. Counsel for the respondent/State has opposed the grounds in the bail application and the submissions made in this behalf. It is submitted that recovery of Rs.24,600/- has been made from the applicant No.1, Amit Singh and it is clearly stated by the witness Vikas Kumar Yadav, Vivek Pandey, Durgesh Pandey, Sanjay Singh, Nanrendra Kumar, Gaurav Yadav and Vijay Bahadur Singh in their police statement that applicants were present, and were involved in the offence of cheating and forgery. Hence, the applicants are not entitled to be enlarged on bail.
5. Perused the case diary. Considering the facts and circumstances of the case, it appears that at this stage, the statement of the witnesses can not be evaluated and rejected for the purpose of grant of bail as there is statement against the applicants as they were involved in act of cheating and forgery. Further, they are residents of Uttar Pradesh and on being enlarged on bail, their availability shall become difficult for the purpose of conducting the trial, hence for these reasons, the application does not deserve to be allowed and accordingly it is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge