

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8041 of 2017**

1. Ashok Kalyani (wrongly mentioned as Ashek Kalyani), S/o. Late Udla Ram, Aged About 51 Years
 2. Smt. Savita Kalyani, W/o. Shri Ashok Kalyani, Aged About 46 Years,
- Both are by Caste Teli, R/o. Village and Post Latabad, Police Station and Tahsil Balod, District-Balod Chhattisgarh.

---- Applicants**Versus**

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

---- Respondent**M.CR.C. No. 1179 of 2018**

Khilesh Kumar, S/o. Bhukhan Lal Nirmalkar, Aged About 42 Years, R/o. Daganiya, Tahsil- Gunderdehi, District- Balod (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station -Balod, District- Balod (C.G.).

---- Respondent

For Applicants	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/02/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications 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. 506/2017, registered at Police Station – Balod, District – Balod (C.G.) for the offence punishable under Section 420/34, 120-B of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that applicants have been falsely implicated in this case. The only allegation against them is that they have assisted the main accused in the commission of offence of cheating, whereas, the fact is that these applicants have not collected any money from the complainant or others. Applicants are in jail since 23.11.2017, they are ready to abide by all the conditions as imposed for grant of bail. Therefore, it is prayed that the applicants be enlarged on regular bail.
4. Learned State counsel opposes the application and the submission made in this respect. It is submitted that the applicants have played active role in the offence of cheating by the main accused person namely Maheshwar @ Mahesh Sahu, who by inducing the complainant that he can facilitate the grant of loan to the complainant and others has received the amount in the name of process charge from which this applicants have got their commission, hence, this applicants are not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per the prosecution case, the complainant Bholaram Sahu and others, gave written complaint to Superintendent of Police Balod stating in it, that the applicants in both the cases had called the complainant and others at their place of residence, where they met

with main-accused Maheshwar @ Mahesh Sahu. It was informed that he can help in facilitating in grant of loan in their favour and in return he asked to deposit Rs.7,000/- as process charge. On the inducement given, the complainant and others deposited Rs.21,000/- and thereafter, no loan was sanctioned in favour of the complainant and others as per the promise given by the main accused Maheshwar @ Mahesh Sahu. Hence this case.

7. Considered the submissions made and the contents of the case diary. As the charge-sheet has been filed and presently the case is before the trial Court and the trial against these applicants is likely to take sometime for its conclusion, applicants are local residents of District Balod and no purpose would be served, if the, applicants are kept in detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
 Judge